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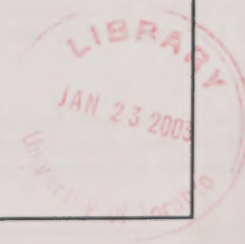
• NUMBER 24

OFFICIAL REPORT
(HANSARD)

Tuesday, December 3, 2002

THE HONOURABLE DAN HAYS
SPEAKER

This issue contains the latest listing of Senators, Officers of the Senate, the Ministry,
and Senators serving on Standing, Special and Joint Committees.



CONTENTS

(Daily index of proceedings appears at back of this issue).

OFFICIAL REPORT

CORRECTION

Hon. Jean-Robert Gauthier: Honourable senators, in the *Debates of the Senate* of Thursday, November 28, on a question from Senator Joyal to me at page 478, there is no indication that I answered the question. The text of my answer is there, but my name does not appear.

[Translation]

I answered, but the answer is not recorded in my name in Hansard. I would simply like my name to be added to page 478, at exactly 3 p.m.

[English]

The Hon. the Speaker: Is it agreed, honourable senators, that the answer given by Senator Gauthier on page 478 of the *Debates* be attributed to him as he has requested?

Hon. Senators: Agreed.

THE SENATE

Tuesday, December 3, 2002

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

INTERNATIONAL DAY OF DISABLED PERSONS

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, today we observe the International Day of Disabled Persons.

Last week, many of your offices participated in our Senate Partnership Day. This annual event pairs people with disabilities to Senate employees — we had six in our office — so that each of us can better understand not only workplace issues but also promote mutual understanding within the diverse communities to which we all belong.

[Translation]

According to United Nations figures, there are more than half a billion people around the world who have an intellectual, physical or sensory disability. Canada has done a great deal to ensure the integration of people with disabilities so that they can fully contribute to society. Our Charter of Rights and Freedoms was one of the first documents to protect the rights of persons with disabilities.

[English]

Honourable senators, some of you may be aware that, later today, we will celebrate the issuance of a report in American Sign Language and LSQ entitled "Quality End-of-life Care: The Right of Every Canadian," which was published two years ago by the Senate subcommittee to Update "Of Life and Death." Senator Robertson and I have been working with many other people in the Senate to make this institution a more accessible place to people with disabilities, and we are pleased that this report has now been made accessible to a wider community of Canadians. I am also extremely proud of the enthusiasm with which the Senate of Canada has embraced this worthy cause and put forward many initiatives to recognize people with disabilities and to advance their position in our society.

Honourable senators, we must persist in our attempts to equalize opportunities for persons with disabilities. We must continue to make whatever effort is required to include them in mainstream society and not let their talents or experience be squandered.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, as the minister was saying, today is this tenth anniversary of the International Day of Disabled Persons. More than 600 million people around

the world have some form or other of disability, including approximately 4 million Canadians. In the ten years following the proclamation of this day by the United Nations, we have witnessed the enormous progress made by disabled persons in Canada. Today, we must recognize the many contributions people with disabilities make to improve Canadian society.

This year, the theme of the International Year of Disabled Persons is "Independent Living and Sustainable Livelihoods". This philosophy has its roots in a social movement begun in the United States almost exactly 20 years ago, and is intended to enable the disabled to contribute fully to society and to be freely and directly involved in all aspects of daily life. Canada has a total of 24 resource centres that help foster independence in persons with disabilities. These provide Canadians with information, resources and programs to assist them in making informed decisions. Each individual has the legitimate right to seek the ability and the autonomy to make choices, and these centres help the disabled to attain that ideal.

The relationship between the concepts of independent living and sustainable livelihood no longer needs to be demonstrated. All Canadians aspire to a sustainable livelihood, but this objective is harder for the disabled to attain, because it goes along with numerous personal, social and environmental obstacles. For the disabled, employment and a sustainable livelihood depend on several interdependent factors, including opportunities for "normal" employment, freedom of access, and special training and upgrading services.

Honourable senators, in its recent Speech from the Throne, the federal government promised that it would work in conjunction with the provinces to:

...fast-track a comprehensive agreement to remove barriers to participation in work and learning for persons with disabilities.

On this special day, let us hope that this pledge of cooperation will not take long to be translated into concrete action.

• (1410)

WORLD AIDS DAY

Hon. Yves Morin: Honourable senators, on Sunday, World AIDS Day was celebrated all over the world. This was an opportunity to celebrate the achievements of thousands of volunteers who provide help and comfort to those who have contracted this terrible disease.

We also paid tribute to the clinicians and researchers who work so hard to test new treatments and, hopefully, to soon discover a new vaccine that would put an end to this horrible epidemic.

[English]

Honourable senators, Canadian scientists are close to finding a vaccine. Dr. Yong Kang from the University of Western Ontario is working to develop a new type of AIDS vaccine. The vaccine will not only trigger the immune system to generate antibodies to the virus, but it will also create a type of white blood cell that will attack and kill cells already infected with HIV while leaving healthy cells alone. Nicole Bernard from McGill University is also doing her part to determine the types of immunity that can be prevented by this vaccine.

[Translation]

Similarly, Dr. Gaston Godin, a Laval University researcher, is developing, with his team, new prevention methods against AIDS for the new groups that are at risk, namely sexually active heterosexuals.

[English]

It seems, however, that complacency has set in among people at risk of contracting the disease. While many fewer people die of the disease today because of advanced therapeutics, the prevalence of HIV in Canada has increased by 66 per cent in the past 10 years. There are 4,000 new infections reported each year. The face of HIV and AIDS has changed dramatically in our country, reaching the homeless, women living in poverty, injection drug users, Aboriginals on reserves and in cities, and children who are born with the syndrome.

Each infection costs Canada's health care system \$150,000 a year. It is no time for governments to be complacent either. Canada's strategy on HIV/AIDS is contributing \$42 million a year to enhance research to provide treatments and services for those who are in need. Through research, for example, Canadian scientists and clinicians have contributed new knowledge to the world's understanding of what triggers HIV.

Honourable senators, finding a cure could soon be within our grasp. Canada's investment today is no longer enough. The Prime Minister, in a statement he made to the United Nations last year, committed Canada to boost significantly its efforts against the epidemic both at home and internationally.

I call on honourable senators, other levels of government, community groups and professionals to work to renew Canada's strategy on HIV/AIDS in a way that is consistent with our leadership on this issue and consistent with the new realities facing Canadians.

AGRICULTURE AND AGRI-FOOD

UNDERFUNDING OF VETERINARY COLLEGES—EFFECT ON FOOD SAFETY

Hon. Donald H. Oliver: Honourable senators, our goal of becoming a world leader in food safety is in jeopardy. Chronic underfunding of Canada's four major veterinary medicine facilities has resulted in a serious deterioration of their infrastructure. Now, their accreditations have been threatened because of this lack of funding. Countless presentations have been made by faculty members from the University of Prince Edward

Island, the Université de Montréal, the University of Guelph and the University of Saskatchewan to the government on the current state of their facilities and what needs to be done. Currently, two schools fall below the international standard, while the other two have serious infrastructure problems, making this a crisis situation. Some schools have buildings that are more than 30 years old, and the absence of recent government investment has led to a severe deterioration of the faculties' physical facilities, equipment and finances.

Honourable senators, losing accreditation would be a serious setback for our veterinary colleges because re-accreditation is a long and difficult process. If accreditation is lost, even by just one of the schools at risk, Canada's veterinary competency will also be called into question.

The Minister of Agriculture and Agri-Food has received letters highlighting this crisis from me, as Chairman of the Standing Senate Committee on Agriculture and Forestry, and from the chairman of the standing committee in the other place.

A five-year investment program totalling \$248 million must be announced by the government, before Christmas, to immediately deal with this crisis. The distribution required would be as follows: \$188 million for infrastructure to maintain international standards and \$60 million to create level three containment systems to deal with new viruses such as mad cow disease. This is something the federal government could do right now. Over a five-year period, funding could be distributed as follows: 5 per cent in the first year, 15 per cent in the second year, 30 per cent and 33 per cent in the following two years and 17 per cent in the final year.

Honourable senators, if an investment program such as the one that I have outlined is not put in place by the end of this year, one of the schools will lose its accreditation as early as next year. Now is the time for the government to act, as it has done during times of need by the veterinary colleges in the past. The government has recognized that this situation will have a serious detrimental impact on our ability to compete in the world of agri-food. Funding must be injected into the infrastructure of the universities in question before we fall short of our goal of being a world leader in food safety.

[Translation]

HERITAGE

DECLARATION OF NOTRE-DAME-DE-LA-DÉFENSE A NATIONAL HISTORIC SITE

Hon. Marisa Ferretti Barth: Honourable senators, I rise to highlight an unprecedented historic event for all of Canada's Italian community.

On Saturday, the Minister of Canadian Heritage declared the church of Notre-Dame-de-la-Défense a national historic site. I would like to express my gratitude to Minister Copps, who recognized the value of the church and all of its history. This recognition demonstrates not only the importance of the role of this church in the entire community, but also the contribution of Italian immigrants to our country's progress.

[Senator Morin]

Notre-Dame-de-la-Défense is located in the heart of the Italian community and is a small jewel of Montreal's Little Italy. As one of the oldest churches built for the Italian community in Canada, it was an arrival point ~~and an anchor~~ for many Italians who settled in Canada. Everyone, especially the seniors for whom I have worked for 30 years, has many memories of the place, and Saturday was a day of celebration for them.

Honourable senators, Notre-Dame-de-la-Défense is a symbol for Canada's Italian community, and it can be proud of having protected this legacy for all Canadians, despite all of the problems and difficulties it has experienced.

In closing, honourable senators, the designation of the church as a national historic site will ensure preservation of its treasures in Canada and of the history of Italians for generations to come.

[English]

ACCESS TO CENSUS INFORMATION

SOURCE OF PETITIONS

Hon. Lorna Milne: Honourable senators, since I received such an overwhelming response to my pre-presentation of petitions last week about the census, I thought I would try it again and see if I could annoy some more senators.

This week, I am presenting petitions from Prince Rupert and Victoria in British Columbia; Edmonton in Alberta; Kingston, Sarnia and Milton in Ontario; Repentigny and Ste-Brigitte-des-Saults in Quebec; Andersonville and Rothesay in New Brunswick; New Glasgow in Nova Scotia; Whitehorse in Yukon; Pensacola in Florida; and Hawaii.

It may be of interest to some senators to know that members of their families are probably signing some of these petitions. We have eight people who have signed them with the surname Smith, two with the surname Robertson, two with the surname Adams, two with the surname Christensen, one Murray, one Watt, one Cook and one Atkins.

[Translation]

ROUTINE PROCEEDINGS

AUDITOR GENERAL'S REPORT

TABLED

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the report of the Auditor General of Canada to the House of Commons, dated December 2002.

• (1420)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FOURTH REPORT OF COMMITTEE PRESENTED

Hon. Lise Bacon, Chair of the Standing Senate Committee on Internal Economy, Budgets and Administration, presented the following report:

Tuesday, December 3, 2002

The Standing Senate Committee on Internal Economy, Budgets and Administration has the honour to present its

FOURTH REPORT

Your Committee wishes to inform the Senate that on November 19, 2002, the Canadian Radio-television and Telecommunications Commission released its Decision concerning CPAC's licence renewal application. (Decision CRTC 2002-377).

The Decision is the result of a public hearing held before the Commission earlier this year in which the Senate intervened to express concerns about CPAC's television coverage of Senate committee programming and related matters.

The Commission concluded that:

It considers it important that CPAC's programming reflect "the bicameral nature of Canada's Parliament by providing coverage of both the upper and the lower houses."

The Commission announced that it was amending the *House of Commons and Provincial or Territorial Legislature Proceedings Exemption Order* pursuant to which CPAC has until now been broadcasting Parliamentary proceedings. Previously, that Order did not include any reference to the Senate. As noted by the Commission in the Public Notice announcing the amendment:

"In the context of its consideration of CPAC's renewal applications, the Commission determined that the programming service provided pursuant to the *House of Commons and Provincial or Territorial Exemption Order* should reflect the bicameral nature of Canada's Parliament by providing coverage of both the House of Commons and the Senate. Accordingly, the Commission amends this Exemption Order to describe the programming service provided by an exempt undertaking as including coverage of the Senate and its various committees, as provided by the Speaker or appropriate committee responsible for broadcasting matters."

The Commission's amendment also changes the title of the Order to "Parliamentary and Provincial or Territorial Legislature Proceedings Exemption Order". Pursuant to the Amended Order, CPAC and any other broadcasting undertaking purporting to broadcast parliamentary proceedings are required to meet, among others, the following criteria:

Except as permitted under sections (i) and (j) below the programming service provided by the undertaking covers the proceedings of the House of Commons, the Senate or the legislature involved from beginning to end and does not offer selected excerpts of the proceedings, i.e. the coverage is "gavel to gavel".

The programming service provided by the undertaking may include coverage of Parliamentary committee meetings on a selective basis, where the appropriate Speaker or committee responsible for broadcasting matters is satisfied that such coverage is equitable.

The programming service provided by the undertaking may include a repeat broadcast of the relevant question period.

Control over the programming provided by the undertaking is retained by the appropriate Speaker or committee responsible for broadcasting matters.

As well, the Commission stated in its Decision that it expects CPAC to:

schedule Senate Committee proceedings equitably in relation to its televised proceedings of the House of Commons; and work with the Senate to find a mutually satisfactory solution to the scheduling of such programming.

The Commission noted CPAC's commitment to discuss with the Senate specific proposals the Senate may wish to put forward regarding the presentation of programs that would profile the work of the Senate. The Commission also encouraged CPAC to give implementation of the above commitments "its highest priority".

The Commission modified the programming principles to which CPAC has traditionally been required to abide, by making an express reference to the Senate. On the assumption that CPAC will proceed to negotiate an agreement with the Senate, as referred to above, CPAC's programming principles now include the following: "CPAC must respect its agreements with the House of Commons and the Senate".

Finally, the Commission agreed with the Senate and other participants who objected to CPAC's request for "dual distribution status", which could have potentially limited the scope of CPAC's distribution to cable operators and other distribution undertakings. As a result of the Commission's decision, all of CPAC's programming,

including its Parliamentary proceedings, must be distributed by virtually all distribution undertakings in the country on the basic tier in order to ensure access by Canadians.

Your Committee has authorized its Subcommittee on Agenda and Procedure (Steering Committee) to continue negotiations with CPAC for a renewed Broadcasting Agreement. We believe that the CRTC decision is important for the Senate. The Chamber's concerns have been recognized as legitimate and the Commission has created a solid foundation upon which to better assess CPAC's broadcasts of Senate programming in the future.

Respectfully submitted,

LISE BACON
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Bacon, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[English]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FIFTH REPORT OF COMMITTEE PRESENTED

Hon. Lorna Milne, Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Tuesday, December 3, 2002

The Standing Committee on Rules, Procedures and the Rights of Parliament has the honour to present its

FIFTH REPORT

1. On Thursday, October 31, 2002, the Senate referred the following motion to your Committee:

That for the duration of the present session any select committee may meet during adjournments of the Senate.

2. On November 7, 2002, the Senate adopted your Committee's Second Report, as amended, which provided "that, for the purpose of Rule 95(3), committees of the Senate be permitted to meet at any time on any weekday Monday to Friday the Senate stands adjourned during a Senate sitting week."

3. There is no question that highly important work is done by the committees of the Senate. Indeed, the Senate has benefited greatly from the very favourable public reaction to many committee reports, including several recent ones. The *Rules of the Senate* should facilitate the ability of committees to function.
4. Committee meetings during extended adjournments of the Senate, however, raise a number of significant issues and questions. On the one hand, committee meetings during periods when the Senate is not sitting can be very valuable and useful. Such meetings can be longer and more intensive than are otherwise possible. Moreover, the logistics of travel by committees is considerably easier when the Senate is not sitting.
5. At the same time, there is a need for the Senate to have advance knowledge of, and some degree of control over, plans for committee meetings. There is also the fact that Senators generally are interested in and often follow the proceedings of committees on which they are not members. In addition, Senators want and need some certainty and ability in planning their schedules, including during adjournments.
6. Your Committee believes that clearer processes for determining whether and when committees should meet during adjournments are required. Your Committee believes that its role is to provide clarification and guidance to the Senate and Senators in dealing with committee meetings during extended adjournments.
7. Your Committee recommends that Senate committees should be required to obtain permission of the Senate in order to meet during any extended adjournment. In other words, your Committee recommends that committees comply with Rule 95(3) of the Senate. This requires giving at least one day's notice of such a motion, which allows all Senators to consider and participate in the decision-making process. Your Committee would expect that before giving notice of such a motion, there would be appropriate consultations with the members of the full committee or of the sub-committee on agenda and procedure, as well as the party whips, in order to ensure full participation in committee. In moving such a motion, the mover should be expected to set forth compelling and convincing arguments and reasons for allowing the committee to meet during the adjournment.
8. Your Committee also believes that there should be a procedure in place for dealing with urgent situations, which may arise during an extended adjournment. For instance, during the winter or summer adjournment, an important dignitary may become available for a meeting, or an issue may suddenly take on some urgency. As such, meetings cannot always be foreseen, and it may not be possible to obtain permission of the Senate in advance, another procedure should be available. This would involve a written request signed by the Chair and Deputy Chair of the committee in question, and consent being obtained from the Government and Opposition Leaders or any Senators named by such

Leaders in the Senate. In all such cases, if such meetings are agreed to, the committee will be required to ensure that all Senators are provided with advance notice of the impending meeting, by means of electronic distribution, or otherwise.

Your Committee, therefore, recommends Rule 95 be amended by deleting the existing Rule 95(3), and substituting in its place the following new paragraph (3):

95(3) A select committee may meet during an adjournment of the Senate which exceeds a week by:

(a) an order of the Senate; or

(b) the signed consent of the Government and Opposition Leaders, or any Senators named by such Leaders to a written request made by the Chair and the Deputy Chair.

Respectfully submitted,

LORNA MILNE
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Milne, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY LAW OF MARRIAGE

Hon. Anne C. Cools: Honourable senators, pursuant to rule 56(1), I hereby give notice that, in two days hence, I shall move, seconded by Senator Watt:

That the Senate Standing Committee on Legal and Constitutional Affairs be authorized to examine and report on the law of marriage in Canada, in particular its historical and constitutional meaning as a voluntary union between a man and a woman, and the history and application of the law of marriage, and the *Constitution Act, 1982 Charter of Rights*, and the current constitutional challenges to the law of marriage in the courts of British Columbia, Ontario, and Quebec, and the Minister of Justice's November 2002 discussion paper on marriage, and the current demands for different forms of marriage, and the public interest in the law of marriage; and

That the Committee submit its report no later than June 30, 2003.

TRANSPORT

STATE OF AIR TRAVEL IN CANADA—NOTICE OF INQUIRY

Hon. Ethel Cochrane: Honourable senators, I give notice that on Tuesday next, December 10, 2002, I will call the attention of the Senate to the state of air travel in Canada.

ACCESS TO CENSUS INFORMATION

PRESENTATION OF PETITIONS

Hon. Lorna Milne: Honourable senators, I have the honour, today, to present 325 signatures from Canadians in the provinces of B.C., Alberta, Ontario, Quebec, New Brunswick and Nova Scotia, as well as the Yukon, who are researching their ancestry, as well as signatures from 116 people from the United States who are researching their Canadian roots. A total of 441 people are petitioning the following:

Your petitioners call upon Parliament to take whatever steps necessary to retroactively amend the confidentiality privacy clauses of statistics acts since 1906, to allow release to the public, after a reasonable period of time, of post-1901 census reports starting with the 1906 census.

I have now presented petitions with 19,923 signatures to the Thirty-seventh Parliament and petitions with over 6,000 signatures to the Thirty-sixth Parliament, all calling for immediate action on this very important matter of Canadian history.

QUESTION PERIOD

PUBLIC WORKS AND GOVERNMENT SERVICES

REPLACEMENT OF SEA KING
HELICOPTERS—DEPARTMENTAL
REORGANIZATION—EFFECT ON
PROCUREMENT PROCESS

Hon. J. Michael Forrestall: Honourable senators, my question is directed to the Leader of the Government in the Senate. As honourable senators know, the Department of Public Works and Government Services has undergone a significant reorganization, and it has effectively eliminated anyone who had past involvement in the management of the Maritime Helicopter Project or procurement under that program.

Can the minister tell us why this reorganization has taken place, leaving the department with no current history of the project?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is my understanding that the reorganization has taken place as reorganizations take place in every department at various times because, in some cases, people choose to go elsewhere. In some cases, it is determined that their services are needed in other places and lateral transfers are made. However, I do not think the honourable senator should read into it anything that will harm the procurement strategy for the Maritime Helicopter Project.

Senator Forrestall: Honourable senators, I certainly will read something into it because it is too coincidental to have seen all these people, albeit not in one day, but over a relatively short period of time, leave what had, after all, been a long-time commitment on their part.

Can the minister tell us if the government has, in effect, sidetracked the Maritime Helicopter Project once again to delay the program until the Prime Minister's departure in 2004?

Senator Carstairs: Honourable senators, the answer to that is simple: No.

Senator Forrestall: Honourable senators, will the minister tell us whether the bureaucrats rejected the current split procurement process as unworkable and a totally political machination and simply revolted? After all, the government has eliminated Rand Quail, former deputy minister; Jane Billings, former Assistant Deputy Minister of Public Works who appeared before us in Committee of the Whole; and Jim Judd, Deputy Minister of National Defence, from the process because they were uncooperative with this government's wishes.

Can the minister tell us if the Public Works and Government Services reorganization was done to put down a revolt in the procurement shop?

Senator Carstairs: The honourable senator is making some very serious allegations. The answer is quite simple: Those individuals were not moved — to use his vocabulary — because they were uncooperative. In some cases, they were given promotions and that moved them to various other positions in government. It had nothing whatever to do with their work on the Maritime Helicopter Project.

Senator Forrestall: Of course they were. Could the minister tell us who got a promotion out of this?

JUSTICE

CHANGES TO FIREARMS REGULATIONS—
EFFECT ON BILL C-10A

Hon. A. Raynell Andreychuk: Honourable senators, on November 29, Justice Minister Martin Cauchon put some extensions into the Firearms Act through regulations.

We were told, in the Standing Senate Committee on Legal and Constitutional Affairs, that it was absolutely necessary that Bill C-10 be passed by December 31 in order that citizens who are in good faith attempting to register their firearms would not be classed as criminals, if I may be blunt.

Can the Leader of the Government in the Senate explain why the minister chose the particular process for time extensions that he did and whether the same urgency for the passage of Bill C-10A now exists?

• (1430)

Hon. Sharon Carstairs (Leader of the Government): I am pleased to answer the honourable senator's question because one has absolutely nothing to do with the other.

Bill C-10A will do a number of things, as she well knows, having studied it carefully in committee. It will establish a commissioner of firearms. It will also establish a process similar to that which we use for the renewal of a driver's licence so that a person's registration renewal will become due not on the anniversary of the registration, but on the certificate holder's birthday. All registrations will be evenly spread out over a calendar year.

However, the bill does not outline the procedure that was laid down in Bill C-68, which required Canadians to register their guns no later than December 31, 2002.

In his press release of last week, the minister indicated that a number of Canadians made application under the firearms registration program. In some instances, those individuals have not yet received their registration form. I am referring to licensed firearm owners who have not yet completed the registration portion of their twofold endeavour — one is to license the owner, and the other is to register their gun. The Honourable Minister Cauchon has told us that the applications that have been received by the program, even though the individuals may not have actually received their registration form, will have a grace period of six months. In other words, if an individual filed a registration form in late November, but the processing is such that the certificate will not be received until January or February, those individuals will have been shown to have acted in good faith by fulfilling the obligation to file their registration forms, and they will not be prosecuted. They will be given a grace period of six months.

EFFECT OF FIREARMS ACT

Hon. A. Raynell Andreychuk: If I understand what the honourable minister has done, he has extended, for the bureaucracy, a grace period to complete the registrations and to get these registrations in the hands of the firearms people.

In committee, we heard the admission by the government that some 600,000 people have been unable to obtain licences for their firearms or to apply for registration. Many of these people are Inuit. We heard that, when they are attempting to register on-line, their numbers are being rejected because they are two numerals longer than the application will allow. We also heard that they cannot get through on the telephones because there are not enough people manning the phones. Many people who are law-abiding and acting in good faith will not benefit by this release.

What troubles me is that these people are being put in a bad position not because of what they have done. They sincerely want to register, but cannot because of what the government has not afforded them. They have not been afforded a proper registry system with sufficient manpower and processes to allow them to comply. Many of them will still be in the dastardly position they were in before, that is, they want to abide by the law, but they are not being allowed to do that.

However, it will assist those who have been able to break through the system, but who have not yet received their certificates.

Is my assessment, therefore, right, that we still have a block of people who are honest, law-abiding, and acting in good faith who cannot comply because of the bureaucracy we have set up?

Since this news release and taking into account what has happened over the weekend, people are confused. Some people think that they are off the hook and that they have six more

months to register. They do not understand the complexity of what these regulations will do.

The term "firearms" further compounds the situation. Are we talking about handguns or all firearms?

Does it not behove the minister and the government to rethink its whole strategy towards the law-abiding segment of society?

Hon. Sharon Carstairs (Leader of the Government): With the greatest respect to the minister, this government has bent over backwards to meet the needs of firearm owners in this country. On a number of occasions, it has extended the period of time to register. It has now given a grace period. However, that only applies to those who have made the effort.

Earlier this fall, all licensed firearm owners were sent a reminder that they had registered all of their guns. Fortunately, that resulted in a great number of applications. However, there are still some Canadians who, despite what the law says, have decided that they will not register their guns. Those individuals will not be aided and abetted by the announcement made by the minister last week. It is the owners of firearms who have gone through the processes — those who have either registered by mail, by phone or on-line, whichever suited their purpose — who will be protected. Only those who have submitted an application form will be protected.

Senator Andreychuk: As a supplementary question, we heard from people who received the reminder that they have to go through the process of getting a licence and then having to apply for registration. They have been unable to contact the government by telephone or through the Internet and, therefore, they are not in a position to afford themselves of the grace period. These are not people who are avoiding the law. These are people who want to register, who have acted in good faith and have made the effort to register, but who either cannot make contact by telephone or do not have the proper number to use the Internet system.

What will the minister or this government do for those 600,000 Canadians?

Senator Carstairs: We must make a clear distinction between people who are not licensed and those who have not registered their firearms. The deadline for licensing has been over for some time. If those people have not complied, they are in violation of the law. As to the registration of their guns, that deadline is the end of December. However, to give some comfort to the honourable senator, I have been informed that a study on the average waiting time was done at the Miramichi call centre, and it was found to be between 15 and 20 minutes during peak hours.

Hon. Gerry St. Germain: The only thing that is backwards, honourable senators, in this whole process is the gun registry and the way it has been handled.

Mr. Webster appeared before the committee and, in good faith, he is trying to do the impossible. The Leader of the Government has told us that the waiting time is 15 to 20 minutes, but I would point out that, when I attended personally, I was told that the waiting period would be 60 minutes. It has not changed as far as I am concerned.

The honourable senator talks about licensing, which is key, and she tells us that those people who have not licensed their firearms are in violation of the law. Quite possibly so. What about our native peoples? Our own native peoples who sit in this very institution, honourable senator, have clearly stated that their people have not, by virtue of language, where they live, and a litany of other things, been able to license their firearms. If the minister can grant amnesty on registration for six months because the bureaucracy and the system is flawed and it cannot handle the situation, then why, from a humanitarian point of view, can they not grant amnesty at least to the Inuit people who have been downtrodden, beat on and victimized by this horrific legislation?

• (1440)

Senator Carstairs: Honourable senators, the basis for this legislation has been in force and effect for some time. It is not new. It has been around for a number of years.

Clearly, the Inuit people have some complications in their processes. I would suggest that if there had not been individuals who kept saying that it was all right not to register for a licence because the Supreme Court would tell the federal government that they cannot do this, then perhaps some Canadians would have acted more quickly and applied for both their licence and their registration. However, we had a political party out there saying, "It is all right. We will defeat Bill C-68 at some time in the future in this country. Do not register your guns or license yourselves because we will be the government and we will do away with it." That was irresponsible.

The vast majority of the Canadian people want this bill. We have this bill, and it is up to Canadians, including Aboriginal Canadians, to license and register their guns.

Senator St. Germain: The honourable minister can talk about the various political parties and what positions they took on Bill C-68. However, if the Inuit and our Aboriginal peoples have a case — and the cases are before the courts now under section 35 of the Constitution and the Charter of Rights and Freedoms — that is a totally different thing. If those people believe that their constitutional rights are being violated, I suggest to the minister that she look at this subject from that perspective and not the rhetorical perspective that exists out there.

The press release states that 7,000 firearms licences have been refused or revoked. Can the honourable minister tell this Senate exactly how many Inuit, Aboriginal and Metis like myself have been refused a licence as a result of the high number of criminal charges that have been brought against these people due to the mistreatment of these people by governments and government agencies in this country?

Senator Carstairs: As the honourable senator knows full well, one of the preconditions to being granted a licence is that one not have a criminal record. I believe it is a privilege to own a gun. That privilege is revoked if one has a criminal record.

Senator St. Germain: The Leader of the Government in the Senate says that it is a privilege for our Aboriginal peoples to have

firearms. That is a disgraceful statement. It is a disgrace to these people because it is clearly stated in our Constitution that they have been given hunting rights.

I believe that a high percentage of those 7,000 who were rejected were of Aboriginal descent. As Senator Watt pointed out in committee, in a community of 9,500, there are 8,000 who have criminal records. This may be funny to some honourable senators on the other side. However, I can tell them that, in the penitentiary in Prince Albert, 80 per cent of the inmates are Aboriginal peoples.

Can we not extrapolate this into the realities of what is really out there and the challenges that we have for these people? If we can do an amnesty for the registration because the bureaucracy cannot handle it, do honourable senators mean to say that we cannot extend the amnesty to these people?

Senator Carstairs: Quite frankly, I believe the question that the honourable senator asks does a great disservice to our Aboriginal people. I would be the first to agree that I do not believe Aboriginal people have been well-served in the courts of this country. I admit that that is true. It is equally true that they have been given the same time to register and to license as other Canadians have been given.

There have been people who work at the firearms centre who actually speak Aboriginal languages, including Inuktitut, in order to make it possible for those licensing activities to take place.

However, the reality is that the Criminal Code of Canada applies to all Canadians, no matter where they live, whether it is north, south, east or west, whether it is rural, urban or whether it is Aboriginal or all of the rest of us.

CHANGES TO FIREARMS REGULATIONS—EXTENSION OF GRACE PERIOD

Hon. Herbert O. Sparrow: Honourable senators, my question is to the Leader of the Government in the Senate. What authority does the minister have to extend a grace period? This matter comes under the auspices of the Criminal Code. Is the Minister of Justice empowered to tell the police to not enforce that law? That appears to me to be exactly what is happening.

—We are not talking about an amnesty. We are talking about a grace period. The Governor in Council may have the power to declare amnesties, but I do not see anywhere that they have the power to declare a grace period such as the one we are discussing here. We are stating that all Canadians must abide by the Criminal Code. Now we are saying, no, via the provision of a grace period, we do not have to abide by that law.

Hon. Sharon Carstairs (Leader of the Government): It is interesting that the honourable senator would indicate they have the right to an amnesty but they do not have the right to a grace period. It is my opinion that they have more of a right to a grace period than they do to an amnesty under this legislation.

Senator Sparrow: I am talking about the Criminal Code; it refers to amnesty. However, nowhere in the Criminal Code have I found reference to the power of the government to give a grace period on anything.

Senator Carstairs: I have to say, honourable senators, that I cannot give the Honourable Senator Sparrow the jurisprudence to indicate the difference between the two today. However, if the honourable senator reads the press release, it was also announced that there would be an extension to the amnesty period for prohibited handguns until December 31, 2003.

FISHERIES AND OCEANS

AUDITOR GENERAL'S REPORT— MARINE NAVIGATION

Hon. Gerald J. Comeau: Honourable senators, my question is also to the Leader of the Government in the Senate, and it has to do with Chapter 2 of the Auditor General's report, which deals with DFO's contributions to safe and efficient marine navigation.

The Auditor General's report found that the Department of Fisheries and Oceans had limited performance information that shows how it contributes to safe and efficient marine navigation. Further, the Auditor General also found that DFO had not cost effectively managed functions regarding the question of safe and efficient navigation.

Could the minister advise what steps are being taken by the government to address these shortcomings as identified by the Auditor General?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question. He carefully identified Chapter 2 of the Auditor General's report. I want him know that the Department of Fisheries and Oceans accepts the Auditor General's findings and is committed to finding solutions.

The department has already identified many of the findings raised by the Auditor General. Further, the Department of Fisheries and Oceans has started a number of initiatives to respond to those recommendations, including developing and implementing results-based management, developing a risk management policy framework, amending regulations and acts, updating the Canadian Coast Guard national policies and standards, implementing quality assurance functions and completing the review of the staffed light stations by 2003.

AUDITOR GENERAL'S REPORT—NEED FOR NEW TECHNOLOGIES AND SERVICES

Hon. Gerald J. Comeau: The Auditor General raised a shortcoming that I found particularly worrying. In the 1980s, the Auditor General had raised some of the shortcomings that she identified in this report. There seems to have been no concerted effort to address these shortcomings since that time. Many of these areas have new technologies and services that should have been put in place many years ago. Will the question of new technology and services, which should have been in place years ago, be addressed?

• (1450)

Hon. Sharon Carstairs (Leader of the Government): The honourable senator raises questions that the Auditor General

raised as well. The department recognizes that there is still much more work to be done. However, they are moving towards addressing the issues that are of concern.

DEPLETED COD STOCKS—PROPOSAL TO ALLOW LARGER FISHING BOATS

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, in regard to a question asked by the honourable senator last week in which he indicated that the Minister of Fisheries and Oceans had launched an initiative to go to bigger boats, that is simply not true. The Honourable Robert Thibault announced that there would be consultations on vessel replacement rules. He did not indicate they were moving to bigger boats.

Hon. Gerald J. Comeau: Honourable senators, I do not think that is what I indicated last week. I indicated there was a plan to look at the possibility of going to bigger boats and the concentration of licences into bigger boats. I did not say the minister had specifically given the go-ahead. I indicated they were going to look at the question of going to concentration of licences and to fewer and bigger boats that would have the capacity to catch more fish.

Senator Carstairs: With the greatest of respect to the honourable senator, I do have the transcript of November 26, 2002. He said:

In Canada, the Minister of Fisheries and Oceans has launched an initiative to go to bigger boats...

UNITED NATIONS

POSSIBLE WAR WITH IRAQ—SUPPORT FOR POSITION OF SECURITY COUNCIL

Hon. Douglas Roche: My question is for the Leader of the Government in the Senate. What is the Government of Canada doing to ensure that the inspection process in Iraq mandated under Resolution 1441 is not undermined by those who are determined to wage war irrespective of the results of the inspection process? Is it still the position of the Government of Canada that Canada will not support an attack on Iraq that is not mandated by the UN Security Council?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the Government of Canada has been very clear on this issue, and the position is unchanged; that is, that Canada supports Resolution 1441. We anticipate that, should there be any violations by Iraq that are identified by Mr. Blix and his observers in Iraq at the present time, they will be reported to the United Nations. At which point, the Security Council of the United Nations will debate that issue and, perhaps, come to a different conclusion than Resolution 1441.

Our position is clear: We support the United Nations.

Senator Roche: Honourable senators, I want to follow up on this matter with the minister. What will Canada do to ensure that international law is followed, and that only the UN Security Council will have the authority to determine whether Resolution 1441 is being complied with and that no other state will have such authority?

Senator Carstairs: Iraq has been in non-compliance with previous resolutions for over a decade. Resolution 1441 came about specifically because there had been a violation, and it was decided that Iraq had to be given a clear message that it must comply with Resolution 1441.

Canada firmly believes that Iraq must comply with Resolution 1441. We support the investigators who are on the ground in Iraq at the present time. We have indicated to Mr. Blix that should he need further help from Canada, he need only ask and we will make that help available to him.

Honourable senators should not jump to conclusions. Iraq clearly has a deadline with respect to reporting to the United Nations on weapons of mass destruction that it needs to meet on December 8. The inspectors clearly have a job to do, to continue what they have been doing now for over a week, which is going from site to site. To date, my understanding is that the inspectors have not found anything. From that perspective, Iraq would not be in violation of Resolution 1441. However, the process must be allowed to continue.

JUSTICE

CHANGES TO FIREARMS REGULATIONS— EXTENSION OF GRACE PERIOD

Hon. Charlie Watt: Honourable senators, two senators have already raised questions on the firearms regulations. In a sense, their comments were complementary to what Senator Carstairs has stated. However, I want to make sure that what is on the record reflects the reality. My question is for the Leader of the Government in the Senate, and I do not ask it lightly.

We have not encouraged the Inuit people not to obey the law. That is not what we have done. What we have done, honourable senators, is that we have tried our best to encourage the people to comply with the law, because it was already a law. At the same time, we also indicated to the Inuit that this matter is in the hands of the Supreme Court of Canada. That process has a life of its own. Let it be.

On top of that, some time ago, Nunavut filed an injunction as to whether the law should apply, because the government made the right decision in Bill C-68 by including the non-derogation clause to limit its impact on Aboriginal people.

Senator Beaudoin, from time to time, has said, as long as the constitutional provision is intact, Aboriginals will be okay and they will not be impacted. In theory that sounds good but, in practice, it does not work that way. I want to make sure the following is clear: To me and to the people I represent, this whole notion of the coming deadlines could have a life and death impact.

Honourable senators might think I am saying that just for the sake of winning the argument. That is not the case. This is an important issue. As I have said, over and over again, there is a large number of Inuit who have criminal records. There is no way those people will be given a permit, let alone registration.

Let me give honourable senators an example of what happened over the weekend. I was talking to an old man who is 71 years old, still raising three —

Hon. J. Michael Forrestall: That is not old. Be careful!

The Hon. the Speaker: Order.

While I am on my feet, honourable senators, I should advise that Question Period is virtually over.

However, Senator Watt, if you can complete your question, I will recognize Senator Carstairs afterwards.

Senator Watt: I am sorry, honourable senators, but it takes some time to express my concern. I hope that it will penetrate into the minds of honourable senators, because this issue should not be taken lightly.

Honourable senators, it is a very important question. Honourable senators should be representing the needs of the regions and representing minority groups. I have been here for 18 years. At times I have enjoyed myself here and much of the dialogue, and I have managed to make friends with everyone. However, on this issue, I have not seen great sincerity. At times we receive pressure from the House of Commons. If senators were a bit more independent of the House of Commons, I am sure a lot of people would not be treating us the way we feel we have been treated, from time to time. I know it is not the intention of honourable senators, but the fact is that, at times, the system is used to pressure senators but the small people should not feel it. We are feeling it now, honourable senators.

I would like to ask the Leader of the Government in the Senate one question. I mentioned, the 71-year-old person who is raising his grandchildren. They do not have jobs, and to him, the job is being able to hunt to feed his family, and to do the job they have to have rifles.

Honourable senators, when we have money, we go to the grocery store, and we do not go out to the country to get that food, but the majority of Inuit still make a living today by hunting. It is the job of the Inuit to hunt and bring food to the family to feed the hungry children.

• (1500)

There are no jobs available to those people. As I mentioned earlier, many people are still unilingual.

The Hon. the Speaker: Senator Watt, I am sorry to advise all honourable senators that Question Period is five minutes beyond its usual time. Having said that, it seems to be the will of the house that the question be put and that I give Senator Carstairs an opportunity to answer. I would ask the Honourable Senator Watt to come to the question.

Senator Watt: My question, honourable senators, is this: What will the government do, knowing the fact that we are not just making up stories? I know the leader is a sincere person and will do what she can to deliver this message through the cabinet level. The thing is, the minister has indicated that there will be a six-month grace period. What is his reason for doing that? How is he using the instrument? Where is he getting the orders from? Is that definite, or is the pressure off now? What is it? We need to see the copy, honourable senators.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I hope that that I can have a few minutes to answer a very long question.

[English]

First, under no circumstances did I say that the Innu people or the Inuit people themselves told their individuals not to register. I indicated that a political party had made such a pronouncement. I do not believe there was anyone in this chamber who encouraged anyone to not register.

In terms of the impact of Bill C-68, the firearms legislation, as the honourable senator will remember, particular provisions were put into place for Aboriginal people. For example, an Aboriginal person convicted of a criminal offence, while they could not have a licensed gun, could, in fact, go to their elders, their community, and be given a gun for the purposes of the hunt. That special regulation was put in to address the particular concerns of Aboriginal people.

However, on the overall impact of a law that was passed now some years ago, I am of the firm belief that all Canadians must be treated equally before the Criminal Code of Canada. I myself went up north during our deliberations on Bill C-68 and travelled to three Inuit communities so that I could learn first-hand the experiences of those individuals. The purpose of that trip was to ensure that there were special regulations for Aboriginal people, and, indeed, special regulations were put in place.

Senator St. Germain: Do you still think it is a privilege? I thought it was a right.

[Translation]

DELAYED RESPONSE TO ORAL QUESTION

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table, in this House, a delayed response to an oral question raised by Senator Atkins on October 2, 2002, concerning applications for citizenship by immigrants from the United States and the United Kingdom.

CITIZENSHIP AND IMMIGRATION

APPLICATIONS FOR CITIZENSHIP BY IMMIGRANTS FROM UNITED STATES AND UNITED KINGDOM

(Response to question raised by Hon. Norman K. Atkins on October 2, 2002)

Please find attached statistics for the number of landed immigrants from United Kingdom and United States for the period 1997 to 2001 and the number of grants of Canadian citizenship for the corresponding period. Note that the original request was for the number of people applying for citizenship. The Department does not keep records of people applying for citizenship but rather for people who have been granted citizenship.

(For statistics, see appendix.)

QUESTIONS ON THE ORDER PAPER

REQUEST FOR ANSWERS

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I should like to ask the Deputy Leader or the Leader herself about a number of written questions I have had on the Order Paper since the end of September. I would like to know if I could have an answer to these questions before we break for the Christmas holidays.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I wish to thank the honourable senator for that. He has already informed my staff by virtue of his question. However, I, too, will ensure that we put some pressure on and that we have the appropriate responses for the honourable senator.

Senator Lynch-Staunton: I thank you.

Hon. J. Michael Forrestall: Honourable senators, I wish to put a similar question to the Leader of the Government in the Senate with respect to questions I have had for about two months now.

Senator Carstairs: Honourable senators, I wish to thank the honourable senator for that question. As you know, I am somewhat in the unenviable position of waiting for departments to respond. However, I will bring as much pressure as I can to clear the decks, in-so-much as it is possible, before the Christmas break.

Senator Forrestall: A brief response would be the reason why they will not answer them.

ORDERS OF THE DAY

TAX CONVENTIONS IMPLEMENTATION BILL, 2002

Message from Commons

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-2, to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties, and acquainting the Senate that they have passed this bill without amendment.

PHYSICAL ACTIVITY AND SPORT BILL

THIRD READING—MOTIONS IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mahovlich, seconded by the Honourable Senator Poy, for the third reading of Bill C-12, to promote physical activity and sport,

And on the motion in amendment of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Oliver, that the Bill be not now read a third time but that it be amended,

(a) in clause 32, on page 13, by adding after line 27 the following:

“(4) The Minister shall cause a copy of the corporate plan to be tabled in each House of Parliament on any of the first fifteen days on which that House is sitting after the Minister receives the plan.”; and

(b) in clause 33, on page 14, by adding after line 11 the following:

“(5) The Minister shall cause a copy of the annual report to be tabled in each House of Parliament on any of the first fifteen days on which that House is sitting after the Minister receives the report.”.

And on the motion in amendment of the Honourable Senator Kinsella, seconded by the Honourable Senator Atkins, that the Bill be not now read a third time but that it be amended,

(a) on page 13, by adding after line 10, the following:

“32. The Centre is deemed to be a government institution as that term is defined in section 3 of the *Access to Information Act* and section 3 of the *Privacy Act* for the purposes of those Acts.”;

(b) on page 15,

(i) by adding before the heading “*Department of Canadian Heritage*” before line 17, the following:

“*Access to Information Act*

37. Schedule I to the *Access to Information Act* is amended by adding the following in alphabetical order under the heading “*Other Government Institutions*”:

Sport Dispute Resolution Centre of Canada
Centre de règlement des différends sportifs du Canada”.

(ii) by adding after line 21, the following:

“*Privacy Act*

39. Schedule I to the *Privacy Act* is amended by adding the following in alphabetical order under the heading “*Other Government Institutions*”:

Sport Dispute Resolution Centre of Canada
Centre de règlement des différends sportifs du Canada”; and

(c) by renumbering clauses 32 to 40 and any cross-references thereto accordingly.

And on the motion in amendment of the Honourable Senator Roche, seconded by the Honourable Senator Murray, P.C., that the Bill be not now read a third time but that it be amended in clause 35,

(a) on page 14, by deleting the heading before line 23 and lines 23 to 46;

(b) on page 15, by deleting lines 1 to 7; and

(c) by renumbering clauses 36 to 40 as clauses 35 to 39 and any cross-references thereto accordingly.

And on the motion in amendment of the Honourable Senator Gauthier, seconded by the Honourable Senator LaPierre, that the Bill be not now read a third time but that it be amended in the Preamble, on page 1, by replacing lines 5 to 8 with the following:

“social cohesion, linguistic duality, economic activity, cultural diversity and quality of life;”.

And on the motion in amendment of the Honourable Senator Bolduc, seconded by the Honourable Senator Nolin, that the Bill be not now read a third time but that it be amended, in clause 28, on page 10, by replacing lines 34 to 38 with the following:

“*Auditor General of Canada*

28. (1) The accounts and financial transactions of the Centre are subject to examination and audit by the Auditor General of Canada.

(2) The Auditor General of Canada shall annually

(a) audit and provide an opinion on the financial statements of the Centre; and

(b) provide a report to the Chairperson and to the Minister on the audit and opinion.

(3) The Minister shall cause a copy of the Auditor General's report to be tabled in each House of Parliament on any of the first fifteen days on which that House is sitting after the Minister receives the report.”.

The Hon. the Speaker: Honourable senators, I am giving the floor to Senator Gauthier for the balance of his time, which is very short.

Hon. Jean-Robert Gauthier: How much time do I have left?

[English]

The Hon. the Speaker: About one minute.

MOTION IN AMENDMENT

Senator Gauthier: Honourable senators, I am pretty well through with my first amendment regarding the duality proposal.

Hon. Jean-Robert Gauthier: Therefore, honourable senators, I move, seconded by Senator Hubley:

However, on the second amendment to Bill C-12, which I would like to address now, I have something else to say.

That Bill C-12 be not now read a third time but that it be amended in clause 7, on page 4, by adding after line 19 the following:

[Translation]

In Bill C-12, clause 7 on page 4, I would like to add the following after line 19:

“(3) In developing contribution and policy implementation agreements, the Minister shall take into account the needs of the English-speaking and French-speaking minorities, in accordance with the *Official Languages Act*.”

In developing contribution and policy implementation agreements, the Minister shall take into account the needs of the English-speaking and French-speaking minorities, in accordance with the *Official Languages Act*.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

To explain, the amendment is important because it clearly indicates that the minister responsible must take into account the needs of the English-speaking and French-speaking minorities, in accordance with the *Official Languages Act*.

[Translation]

It is essential for Canadians in official language minority communities to be able to have impartial and totally equal access to the services provided. Often, government agencies neglect their fundamental duty to respect linguistic equality at all times.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, if no other senator wishes to speak to Bill C-12, I move that debate be adjourned to the next sitting of the Senate.

On motion of Senator Robichaud, debate adjourned.

One need only read the annual report of the Commissioner of Official Languages, for example the sections on equitable language of service, Part IV, or on language of work. The commissioner's report often contains chronic complaints about these three aspects of the *Official Languages Act*, which will not apply to Bill C-12. Bill C-12 is excluded from application of the *Official Languages Act*.

[English]

CRIMINAL CODE FIREARMS ACT

BILL TO AMEND—THIRD READING—
POINT OF ORDER

The other day I gave my arguments as to why I believe the *Official Languages Act* should apply. I was told that because it is a shared jurisdiction between the federal government and the provinces, it was difficult for the federal government to impose the federal *Official Languages Act*. However, one can always hope.

On the Order:

Third Reading of Bill C-10A, to amend the Criminal Code (firearms) and the Firearms Act.

Under Bill C-12, the centre will be required to adopt a language policy that is public, clear and precise in terms of the services it will provide and the work it will do.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, on a point of order, what is before us is not a bill, although it is intitled Bill C-10A. If it is a bill, it should not be at third reading. My argument requires a bit of background.

Honourable senators, it is essential to treat all linguistic communities equally. The new act must not allow ambiguity, when it comes to linguistic requirements and affirming the linguistic duality that is essential here.

Two weeks or so ago, the Senate agreed to send Bill C-10 to the Standing Senate Committee on Legal and Constitutional Affairs with instructions to split the bill and to report accordingly. So far, so good. However, the committee decided to hold hearings on the firearms aspect of the bill and to keep the cruelty to animals aspect of the bill in committee for discussion at a later date. Last week, the committee reported to this chamber accordingly and reported a document — and I call it a document, not a bill — which it identifies as Bill C-10A.

• (1510)

It is worth noting that 90 per cent of Canadians feel — we heard this in committee — that sport can strengthen the feeling of national pride and can strengthen community ties.

My preoccupation is with the tearing up of a bill that has come to us from the House of Commons for study and, hopefully, support and agreement, and bringing to this chamber what is now identified as a new bill covering only part of the original Bill C-10.

Had the committee done one of two things, I do not think I would be on my feet. I would have thought the committee would follow the instruction of splitting the bill under two separate subject matters, report them both at the same time to this chamber, and leave it to the chamber as to what to do with the two new documents. My recommendation before going any further would have been to send the two documents to the House of Commons and ask for its consent and concurrence to find out whether we were proceeding in a way that it would agree to.

Instead, we are suddenly faced with part of Bill C-10 identified as Bill C-10A at third reading. If it is a bill — and I do not think it is — then it is a brand new bill.

Senator Cools: It is a new bill!

Senator Lynch-Staunton: If it is a bill, and I do not think it is, it is a brand new bill that will have to go through first reading, second reading, committee stage, third reading, and so on. I claim it is not a bill. However, if it is a bill, then it has not gone through the proper procedures. It is a document that has been separated from another document.

If we proceed with a vote on this document, what exactly will we be doing? We will take a document that has no bill status and give it a number, an identification that is not a Senate identification, although it is a product of a Senate committee. We give it a number, Bill C-10A. The letter "C" is an exclusive identification belonging to the House of Commons. If it were called "S" for first reading, I would still say that we would be going a little too far without seeking concurrence from the House of Commons, but at least it could be identified as an initiative from this chamber.

Instead, the committee is asking us to ignore completely the request from the House of Commons to look at its bill as one unit. At our request, the committee did divide the bill, but it did not report both sections of the bill, as I said earlier, after which we could have advised the House of Commons of the following: "We feel that the subject matters are best treated separately, and this is the way we think it should be done. What is your advice?" Had the House of Commons been against our suggestion, then we should have acted accordingly because the wishes of the elected people must be predominant.

Honourable senators, I maintain again that the committee has not proceeded in a manner respectful of the privileges and rights of the House of Commons. I maintain that what is before us is not a bill. It is a document that has no status as such, except for study. Any vote on it cannot be considered a vote at third reading but certainly a vote of approval or disapproval.

Hon. Gerry St. Germain: Honourable senators, without repeating the comments that the Leader of the Opposition in the Senate has put forward, my office has done a considerable

amount of study on this matter. For the record, a hasty ruling on the part of His Honour would not be in the best interest of the governance of the Senate.

The legislative process requires that a bill be read three times. Marleau and Montpetit state at page 607 of *House of Commons Procedure and Practice* that:

Some of the rules concerning the legislative process that were in effect at Confederation are still in effect today.

Parliament is prohibited from "the introduction of bills in blank or in an imperfect form," and there are stipulations "that all bills be read three times on different days." Page 625 describes how the standing orders of the other place require "that every bill receive three readings, on different days, before being passed." The practice of giving a bill three separate readings derives from an ancient parliamentary practice originating in the United Kingdom. At that time, when the technology was not yet available to reproduce large numbers of copies at low cost, bills were delivered in handwritten form, one copy at a time. In order for the members to know the contents of the bill, the clerk read the document to them. The idea of reading the bill was taken literally.

• (1520)

Marleau and Montpetit go on to explain that today, a bill is no longer read aloud, but the formality of holding a reading is still preserved. When the Speaker declares the motion for first reading has passed, a clerk at the Table rises and announces "*First reading of this bill*", thus signifying that the order of the House has been obeyed. That scenario is repeated when the House has ordered a second and then a third reading of the bill.

Marleau and Montpetit describe that bills must go through the same stages of the legislative process, but that they do not necessarily follow the same route. They describe three avenues for the adoption of legislation on page 626. The path of Bill C-10A does not match any of these three avenues and fails to meet the requirements to be legitimately before this house.

I will quickly go through the three avenues. They are as follows:

After appropriate notice, a Minister or a private Member may introduce a bill, which will be given first reading immediately. The bill is then debated generally at the second reading stage. It is then sent to a committee for clause-by-clause study.

A Minister or a private Member may propose a motion that a committee be instructed to prepare a bill. A bill will be presented by the committee and carried through the second reading stage without debate or amendment.

A Minister may move that a bill be referred to a committee for study before second reading.

Page 627 of Marleau and Montpetit outlines in detail the stages that a bill must go through when it is introduced in the House of Commons.

Honourable senators, there is a lot of background that relates to this possible scenario. It would be unfortunate if we were to partake in something that would set a new precedent and undermine this very institution and the processes and procedures that have been in place since the Senate was created.

In order that we do not delay this whole process, honourable senators, I would suggest that we deal with this issue immediately. It would be most unfortunate if this particular process were established.

Hon. A. Raynell Andreychuk: Honourable senators, I would support what Senator Lynch-Staunton has said.

In committee, some of us raised the fact that we had been instructed to submit the bill in two portions and that, once the bill had been split, it should be returned to the Senate for further action. The majority opinion was that we should proceed with the study of the issue. The bill was split into two bills and the bills were numbered.

I will not speak to the constitutionality of what we are doing. I would point out, however, that, procedurally, this is somewhat different from the precedent we were attempting to rely on, which was the precedent set in 1998 with Bill C-103. In that case, it was clearly stated that what the Senate was returning was Bill C-103 in two portions and not two bills. It was my opinion at that time that, procedurally, the Senate would have been following the correct process if we were to split the bill into two portions and to then study the bills and report them back. However, to identify that we were studying two new bills would have been to create a precedent that would have gone beyond the procedures of this chamber.

Hon. Eymard G. Corbin: Honourable senators, on the point of order, it may be convenient to argue solely the splitting of the bill, but I think we are doing a disservice to this house by not presenting the full picture.

On a motion of this house, Bill C-10 was referred to committee. Following that motion, another motion was adopted instructing the committee in its examination of the bill. Of course, the examination of the bill by the committee is paramount. The house added the specific instruction, not as an afterthought, that in its examination of Bill C-10, the committee was to consider splitting the bill along the lines of the different topics of gun control and animal cruelty.

I do not see a conundrum or a problem at all. I would argue that the committee did exactly what this house instructed it to do.

Furthermore, we should observe that, in the second report of that committee, there was attached an annex that shows the splitting. The annex is found in Appendix A of the *Journals of the Senate* of Thursday, November 28. The annex contains the split bill under the titles of Bill C-10A and Bill C-10B.

Senator Beaudoin included that in the report of the committee. Therefore, the original Bill C-10 is still within the purview of the committee and the house, in the sense that the house is now seized

with that portion of Bill C-10 now called Bill C-10A, and the committee is in possession of Bill C-10B, has followed faithfully, in my opinion, the earlier instruction of the house.

I do not think we need concern ourselves about what will happen in the other place when we seek the concurrence of our actions. This house, constitutionally, is master of its proceedings. We are not subservient to the procedures of the House of Commons. The decision of this house to instruct the committee to split the bill is well within its powers and discretion. What remains to be done, now that the committee has faithfully followed the instruction of the Senate, is simply to ask concurrence of their honours in the other place for Bill C-10A. That is all that must be done.

We should not be concerned with what happens in the other place at this stage. We are operating within the purviews of our constitutional powers, and we shall so inform the other house. That is where it ends.

The Hon. the Speaker: I will come back to you, Senator Lynch-Staunton, but first I will allow others to intervene.

Hon. Anne C. Cools: Honourable senators, I would be quite happy to defer to my leadership. They know how cooperative I am.

Honourable senators, what is most interesting is that, at the first meeting of the committee, I adopted the position that, by agreeing to the motion in committee to divide Bill C-10, we would be creating two new creatures. The motion that was proposed in the committee to divide the bill was different from the instruction that was given here in the Senate. The instruction to the committee was to divide the bill into two bills. The motion in the Senate committee went a lot further. It not only asked the committee to divide Bill C-10 into two bills, but it also instructed us to undertake the numbering of the bills.

• (1530)

The motion adopted in the committee is quite different from the instruction that was given here. To my mind, it went a lot further. It concerned me at the time, because I had adopted the position that the committee was creating two new bills and that those two bills would be lacking first and second reading in this chamber. The first order of business would have been that those two bills be reported immediately to the Senate for approval. In my wisdom, if I were in the position of leadership, I would have sent a message to the House of Commons asking concurrence before the committee proceeded. Obviously, my wisdom is not considered to be wise by many.

Honourable senators, Senator John Lynch-Staunton is absolutely correct. The Senate, in taking this particular action, has exceeded itself and has gone beyond not only the constitution of the Senate but also the notion of the constitutional relationship between the two chambers. That relationship is about the sense of constitutional comity and constitutional independence of the two chambers.

I feel very strongly that there is no proceeding of the Senate that can produce a Commons bill. It is simply not possible. It is like saying a giraffe can give birth to an elephant. It does not work that way. There is absolutely no proceeding in the Senate that can produce a Commons bill, or two Commons bills.

We now have two new creatures, two new bills — I am not even convinced that they are bills — with totally new names. These bills have not had first or second reading in this chamber.

Perhaps other senators can operate in this sloppy, shabby way, but I do not like it, quite frankly. It is so easy to proceed in an orderly and proper way that I do not understand why everyone does not do it naturally. Perhaps my upbringing by my Methodist mother instilled that into me.

I wish to put on the record that if honourable senators were to comb the records for authorities, information or opinion on the question of division of bills by one chamber, they would find an absolute dearth. Dividing a bill is a procedure that is rarely done. If honourable senators look to any of the texts, including Beauchesne and Erskine May, to determine what is written on the division of bills, they would soon discover that the citations are very limited and scant.

However, where the citations do occur in Beauchesne and Erskine May, they are inevitably referring to division of bills in the respective chamber that originated the bill. Beauchesne, Erskine May and others presuppose that, when a chamber is talking about dividing a bill, it is talking about one of its bills, not a bill from the other chamber.

I am neither prudish nor unprepared to make change. However, in this instance, we have founded the position very poorly. If I had been asked how to do this, I would have done it quite differently.

I also wish to speak to the phenomenon of the committee dividing the bill. It is unclear as to whether the committee divided the bill or in fact has rewritten the bill.

I took the committee's deliberation on this matter very seriously. I wanted to know more about the authorities, the precedents and so forth. However, that was not to be.

Honourable senators, the committee did not divide the bill in obedience to any instruction from the Senate. The committee delegated someone else to do the division. The committee did not sit down, in any measured and pondered way, to discuss which clause should follow which clause. The committee gave no conceptual or structural direction to the business of division of the bill. The committee quickly took a vote.

It was not easy to raise questions or receive advice about the process. As a matter of fact, at the first committee meeting there was a lengthy debate about having the law clerk, or someone from the law clerk's office, address the committee.

That part of the proceeding has bothered me deeply. I would have been a party to the entire development of the process, as it

unfolded, if I were a lawyer. Honourable senators, it is our duty to proceed with due diligence and due vigilance in these difficult matters.

Honourable senators, this matter is so momentous and unusual that we have a duty to proceed very carefully and cautiously, in order to avoid being accused in the future of that which we are now accused, that is, proceeding on a precedent that is indeed a flawed and faulty one.

Honourable senators, His Honour has a difficult task ahead of him. I am curious to see how this will be navigated.

We must remember that Bill C-10 came to this chamber in a very strange way, in that it was resuscitated in the House of Commons. This bill is not a good choice upon which to build a precedent.

The treatment of this bill has been unparliamentary and unconstitutional. It is tainted by the fact, honourable senators, that the decision to divide the bill was not made after much deliberation here. The decision was perhaps made in private conversations with the Minister of Justice.

Honourable senators will remember that the Minister of Justice was sitting right here behind our bar at the time that instruction was given. Honourable senators, there is something very wrong with the Minister of Justice, the Attorney General of Canada, having the position in the House of Commons that the bill is indivisible while taking the position in the Senate that the bill is divisible. Senators should be deeply concerned that a Senate vote is being used to defeat and overcome a House of Commons decision. That bothers me deeply.

The bill should have been divided years ago. I intend to speak about omnibus bills in a speech at another time.

Honourable senators, we have before us a creature that is neither fish nor fowl. The bill is neither Senate nor House of Commons. I do not know how we will determine what Bill C-10A and Bill C-10B are, but very clearly they are creatures that are unknown to either of our constitutions.

• (1540)

Hon. Herbert O. Sparrow: Honourable senators, perhaps I am confused, as others may be, but I do not know what happened to Bill C-10. Where is it? By some twist of magic, could someone simply declare that it no longer exists? The Senate received the message from the House of Commons to consider Bill C-10 and to concur with it. Where is it? How can the Senate do that? Had the committee brought in an amendment to Bill C-10 to remove that portion in respect of cruelty to animals and sent the bill back to the House, there would have been no problem — it would then be Bill C-10 with an amendment.

Honourable senators, I do not know what the house is doing. It would be a crucial ruling for the Senate to take the power to make this kind of change. I should hope that it can be determined just where Bill C-10 is.

Hon. Terry Stratton: Honourable senators, that is a tough one to follow. The argument, at least on our side in committee discussions, has been about what we ended up with when the bill was divided. Did we make them draft documents? If so, they are not bills. If they are draft or working documents, as the legal clerks had stated, then it is our case that the committee should take those two drafts, or documents, and refer them back to this chamber. Committee members determined that they could continue to study a portion of the draft or working documents. If they are only drafts or working documents as Senator Sparrow has said, where has Bill C-10 gone? We now have Bill C-10A and Bill C-10B. Senator Cools has made the same argument that Senator Andreychuk has made: if they are working documents they are not, in our humble opinion, bills. They have to come back for the concurrence of this chamber, and this chamber will debate whether they should go back to the House of Commons. We have argued strenuously that that is where these two drafts, or working documents, should go.

Hon. George Baker: Honourable senators, strictly on a procedural question, could the honourable senator who raised this issue inform us of the procedure to which he now objects? As honourable senators are aware, once the decision was taken on Senator Adams' motion, no objection to the procedure was raised, and the instruction went to the committee. It was a decision of the Senate to send the bill to the committee with the instruction to split it. The matter was discussed in committee which, after study, reported to the Senate. As I understand it, the Senate accepted the report and now the bill is at third reading.

It does not matter, honourable senators, whether it was on division; it was accepted by the Senate.

Honourable senators, is the objection to something that was done before by the Senate. If we are reverting to the motion put by Senator Adams, that would be one consideration. If we are reverting to report stage, that is another consideration. Could the honourable senator tell this house where the Senate went wrong in the procedures that the Senate laid down and decided upon, and on what authority he would then base our revisiting a decision made by the Senate?

The Hon. the Speaker: Honourable senators, following Senator Robichaud and Senator Lynch-Staunton, I will close the debate on the matter of Bill C-10 and then I will explain how we will proceed.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I do not see any problem. What we are doing is simple. The Senate is an independent chamber that can make its own decisions. It does not have to yield to any other institution.

We often point out that we have the independence to decide ourselves what we will do. I believe this is exactly what we did in this case.

A proposal was made by Senator Adams to have the Senate instruct the committee to split the bill. That motion was adopted by this chamber. Any point of order regarding this instruction should have been raised immediately, before we moved on to another stage and the bill was referred to committee.

The committee complied with the instruction given by this chamber and split the bill into two parts. When the chair of the committee reported to the Senate, indicating that the bill was being sent back as C-10A and C-10B, we moved on to consideration at report stage. The committee's report was then adopted by this chamber.

If honourable senators had a problem with the procedure and wanted to raise a point of order, they should have done so before we moved on to the next stage. The report has been adopted. All the senators who were present had an opportunity to vote for or against its adoption.

When the Speaker asked: "When shall this bill be read the third time?", the answer was: "At the next sitting of the Senate."

[English]

Marleau and Montpetit's *House of Commons Procedure and Practice* states:

Points of order respecting procedure must be raised promptly and before the question has passed to a stage at which the objection would be out of place.

[Translation]

Honourable senators, I do not see how we can question a procedure that has already been accepted.

As to whether the House of Commons will accept this procedure, we cannot take for granted that it will. If we did, we would be encroaching on the privileges of the House of Commons. They would be perfectly within their rights to refuse.

When we send the bill back to the House of Commons, we will merely ask the House to agree with what we have done. The House of Commons will be free to accept or to refuse.

In the Senate, being masters of our proceedings as well as the way we conduct those proceedings, the committee met its obligations. No point of order was raised at that time. Now we ought to resume debate on third reading of this bill.

• (1550)

Hon. Pierre Claude Nolin: Honourable senators, I had no intention of speaking, but decided to do so after hearing Senator Robichaud.

The Speaker does not have to revisit a decision made ten days ago, as to whether the Senate can ask a committee to split the bill. This is not what he is being asked to do. What he is being asked to rule on is whether the Senate can, today, address part one of a bill without the second. It is as simple as that.

[English]

Senator Lynch-Staunton: The instructions to the committee are not what the point of order is about. No one is questioning the instruction. What is being questioned is how we are being asked to treat the result of that instruction in this chamber.

Again I maintain that these are not new bills, but assuming that the committee has created two new bills, then, to answer Senator Sparrow's question, suddenly Bill C-10 as sent there is gone. First, by what right can a bill from the House of Commons suddenly disappear in a committee? It is up to this chamber to say, "Let us abolish Bill C-10," or "Let us send a message to the House of Commons that we do not like Bill C-10." It is their bill, but suddenly it disappears in committee and we replace it by two bills.

Where are the two bills? We have only half of Bill C-10, although I do not know whether it is half of the content. The other part remains in committee. We are saying this is two new bills, but there is only one before us. If it is a new bill, as Senator St. Germain pointed out, it must go through the procedure for each new bill, that is, introduction, first reading and second reading.

On both counts, I think the point of order is well founded. If it is a bill, it is not properly before us at third reading, having not received first and second readings. If it is not a bill, which I maintain it is not, but rather a document emanating from the Standing Senate Committee on Legal and Constitutional Affairs, it should not be identified as a bill for third reading.

The Hon. the Speaker: I would like to thank honourable senators for their assistance on the question Senator Lynch-Staunton has raised as a point of order with regard to Bill C-10 as it appears at third reading stage on our Order Paper.

I point out to honourable senators that this item is subject to an order of this house, that being that we are to vote on all matters at 6 p.m. with a bell at 5:30, which time is not that far away. I am, therefore, under some pressure to respond to this matter very quickly, given that we will be in conflict with a house order if we are not able to proceed with this matter as was anticipated when it was placed on the Order Paper.

Therefore, I will take some time out of the Chair. I suggest that the house proceed with the remainder of the Order Paper. We cannot adjourn until after we vote, in any event. I will return to the house as soon as possible with an answer to the question raised by Senator Lynch-Staunton.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, it seems to me that the decision of the Chair on whether the matter is properly before us trumps the house order pursuant to rule 38. I do not think the Speaker is under any obligation to do anything but exercise due diligence and careful analysis of the question. This is absolutely unprecedented. We are charting new parliamentary ground, and it should be done properly.

[Translation]

Senator Robichaud: Honourable senators, I do not completely agree with my honourable colleague opposite. We must act in

accordance with the will of this chamber. Right now, there is an order that says that at 5:30 p.m. the Speaker must interrupt the proceedings and move on to the vote at third reading stage of Bill C-12. Therefore, we must proceed in this manner.

However, the Speaker likely needs a certain amount of time to analyse the question. If this is the case, I invite him to do so promptly so that we may resume debate, thereby giving those who wish to speak at third reading an opportunity to do so before 5:30 p.m.

[English]

Senator Kinsella: Honourable senators, I am prepared to rise on a formal point of order to have a determination on the matter. The Speaker has reserved judgment on an item that is under debate. That same item is subject to a house order on when to vote on a particular phase of that bill, that being third reading in the matter before us. A house order made pursuant to rule 38, or indeed pursuant to rule 39, should be trumped, as I put it, by the decision of the Chair to examine the orderliness of the first matter.

Clearly, honourable senators, the Speaker has the duty and responsibility, pursuant to other orders in our rule book, to maintain the orderly proceedings of this house. In order to carry out that responsibility, the Speaker must have the opportunity to do the study necessary.

Therefore, I now raise as a point of order that a house order made pursuant to rule 38 does not require the putting of the question by the Speaker if the Speaker has taken under advisement a point of order on the orderliness of the very motion that would be voted upon.

The Hon. the Speaker: Honourable senators, I will rule on this point of order now. The question that Senator Kinsella raises is a very good one, but it is premature. I am under an obligation to respond to the orders of this house. There is an order to deal with this matter at the end of the afternoon, and I must keep that in mind. I believe that obliges me to at least attempt to make a ruling on the question that Senator Lynch-Staunton has raised. If I am unable to do so, then the question that Senator Kinsella and Senator Robichaud have commented on is rife for debate or discussion. I rule that it is premature to deal with that matter now.

I will ask the Speaker *pro tempore* to take the Chair. I will deliberate briefly and attempt to make a ruling. If I am unable to do so, I will return and we will then have to deal with the question raised by Senator Kinsella.

Senator Robichaud: Honourable senators, I rise on a point of information.

If His Honour is replaced in the Chair and we move on to other business, I would like to make it clear that when he has arrived at a decision these proceedings will be interrupted immediately in order that he may deliver his ruling, after which we will proceed with the order of business that is presently before us.

The Hon. the Speaker: Honourable senators, that proposal is in order. The proceedings were interrupted just before third reading was moved. I do not think it would be appropriate to move third reading because the question raised goes to the heart of whether we should be debating it.

If, hypothetically, the ruling favoured proceeding, we would proceed at that time, because we are under house order to deal with this matter today, and I can see no other option but to do that.

I will return to the Chair as soon as possible.

• (1600)

KYOTO PROTOCOL ON CLIMATE CHANGE

MOTION TO RATIFY—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Banks:

That the Senate call on the government to ratify the Kyoto Protocol on Climate Change.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, in September of this year at the World Summit on Sustainable Development held in Johannesburg, the Prime Minister stated categorically that “before the end of the year, the Canadian Parliament will be asked to vote on the ratification of the Kyoto accord.”

While ratification of international treaties in Canada is the exclusive responsibility of the executive, supporters of the accord were greatly heartened by this statement as it was unanimously interpreted as an unequivocal commitment to seek parliamentary endorsement for ratification before the end of 2002.

It did not take long, however, before the Prime Minister — obviously led to overenthusiasm in the friendly confines of Johannesburg — backtracked shamelessly less than a month later after facing the hard reality of provincial, caucus and even cabinet resistance upon his return home.

In the Speech from the Throne read less than a month later, it is stated that the government will bring forward a resolution to Parliament on the issue of ratifying the Kyoto Protocol on Climate Change before the end of the year; thus the motion tabled last week before both Houses “to call on the government to ratify the Kyoto Protocol on Climate Change.”

A debate on a vote on ratification — meaning Parliament having a say in the government’s final decision — would have been historic as it would for the first time have allowed a national debate on a treaty before the final commitment to it was made.

Instead, Parliament is asked to ask the government to do what it has said it intended to do all along, whatever the opinion of senators and MPs. Stranger still, in her speech beginning debate

on the motion last week, the Leader of the Government said little on the accord itself, preferring instead to vaunt the merits of Canada’s Climate Change Plan, which the Minister of the Environment and the Minister of Natural Resources made public on November 21. Can we conclude from this that we can implement a climate change plan without ratifying the accord? As Senator Carstairs pointed out herself, the United States has chosen not to ratify; yet this has not stopped it and some 40 states initiating plans of their own, while the New England governors and Eastern Canadian premiers agreed to a regional climate change action plan at their 2002 conference.

When one examines the Chrétien-Martin government’s record on the environment, it is nothing short of appalling. I will only touch on some of its major highlights.

At the Rio Earth Summit in 1992, participants agreed to give priority to biodiversity: 10 years later, Canada still does not have species-at-risk legislation. Global climate change was formally recognized at Rio. It took the government 10 years to come out with the “Climate Change Plan for Canada” mentioned earlier, a slick publication full of promise but short on details.

Lest anyone suggests that my assessment distorts reality, let me quote from the report of the Commissioner of the Environment and Sustainable Development entitled “The Commissioner’s Perspective — 2002: The Decade after Rio” tabled in the House of Commons on October 22.

The federal government is not investing enough — enough of its human and financial resources; its legislative, regulatory, and economic powers; or its political leadership — to fulfil its sustainable development commitments. The result is a growing environmental, health, and financial burden that our children will have to bear.

Later, the commissioner states:

Key federal departments have suffered significant cuts in funding — especially Environment Canada, whose budget dropped by 40 percent while the government’s grew by 13 per cent. By reducing funding to such an extent, the government reduces its capacity to meet the sustainable development objectives it has set for itself.

On top of all this, the one key element essential for obligations under the Kyoto accord to be fully met is missing: support of the provinces and territories and affected industry.

There is the rub, honourable senators. The provinces have been treated as bothersome nuisances since the beginning. It was only in November 1997, on the eve the Kyoto conference, that the federal and provincial governments agreed that their position at Kyoto would be to reduce aggregate gas emissions in Canada back to 1990 levels by 2010. The next day, the resources minister changed his mind. A week later, the Prime Minister committed to reductions below 1990 levels. Is it any wonder, then, that provinces rebel at this repeated unilateral approach? Can anyone explain why there were no meaningful consultations between Rio and Kyoto, and justify why today provincial and territorial consensus seems more distant than ever?

Even if only in passing, I want to record the apprehensions of the Canadian Manufacturers and Exporters, which has 3,000 members claiming to account for 75 per cent of Canada's industrial production and 90 per cent of its exports. It deplores the fact that there is no agreement on how to reach Kyoto's objectives, which has the support of neither large nor small business, nor of the provinces and territories.

What about oil and gas producers in Alberta? Obviously, there is a lot of self-interest in their objections, but whatever their motives, their absence from any consensus can only be deplored.

Let me quote from last Saturday's *Globe and Mail*:

Petro-Canada says it could freeze — or even cancel — nearly half a billion dollars in new investment in the oil sands next year if the federal government does not spell out the rules and costs of complying with the Kyoto Protocol's targets for reducing greenhouse gas emissions.

Remember that the Government of Canada is the largest single shareholder in Petro-Canada, and its own directors obviously approved this statement.

What a contrast, this lack of consultation or the lack of serious sitting down with the provinces and territories and industry. What a contrast with the process leading to the signing of the Agreement on Air Quality, often referred to as the acid rain treaty, in March of 1991. When Prime Minister Mulroney and President Reagan signed the treaty together, Mr. Mulroney was in the position to tell the President that every province and territory supported it.

Some Hon. Senators: Hear, hear!

Senator Kinsella: That is how you do it.

Senator Lynch-Staunton: This only came about after long and often arduous consultation and discussion. Consultation was actually built right into the agreement with the paragraph that reads:

The Parties shall seek the cooperation of Provincial and State Governments as necessary to implement this Agreement.

Another paragraph reads:

In implementing this agreement, the Parties shall, as appropriate, consult with Provincial or State Governments, interested organizations, and the public.

The FTA and NAFTA similarly followed years of constant discussion between the provinces and the federal government. In addition, every sector of the economy had input in the free trade features peculiar to it. While the final agreements did not lead to unanimity, there was no justification for any party, either public or private, to complain of not being privy to the process right from the beginning.

[Senator Lynch-Staunton]

Had the federal government adopted the same approach on Kyoto, we would certainly not be in the unpleasant situation we are in now, one of acrimony and suspicion. It reminds me too much of Prime Minister Trudeau's decision to unilaterally patriate the constitution in 1980. At that time, a number of provinces individually initiated legal action in their respective Courts of Appeal, with Nova Scotia, British Columbia, Prince Edward Island, Saskatchewan, Alberta and the Four Nations Confederacy Inc. joining with those provinces, which were Manitoba, Newfoundland and Quebec; in support of the subsequent appeals to the Supreme Court of Canada, all arguing that the consent of the provinces was required.

The Supreme Court of Canada opinion included a careful and detailed review of precedents affecting provincial powers and the views expressed in the different Courts of Appeal. In the words of the majority, words which are as pertinent today as they were then, the Supreme Court of Canada said:

We have reached the conclusion that the agreement of the provinces of Canada, no views being expressed as to its quantification, is constitutionally required for the passing of the "Proposed Resolution for a Joint Address to Her Majesty, the Queen respecting the Constitution of Canada" and that the passing of this Resolution without such agreement would be unconstitutional in the conventional sense.

• (1610)

Whether it is provincial powers themselves which are affected or whether it is an intrusion on powers which are in a shared jurisdiction, it is my view that Parliament, and more particularly the Senate of Canada, has an obligation to seek the views of the provinces. Correspondingly, the government ought not to proceed in the absence of substantial agreement of the provinces.

In support of the former proposition, let me remind you, colleagues, of the words of Sir John A. Macdonald from the confederation debates in Quebec City in 1865, which led to the creation of the upper chamber. He said:

In order to protect local interests and to prevent sectional jealousies, it was found requisite that the great divisions into which British North America is separated should be represented in the Upper House on the principal of equality.

He went on to say:

To the Upper House is to be confided the protection of sectional interests; therefore it is that the three great divisions are there equally represented, for the purpose of defending such interests against the combinations of majorities in the Assembly.

How are we to protect local interests if we do not hear from provincial governments? How can the Senate of Canada support a motion that may serve to create sectional jealousies or dissension among the regions without even inviting the provincial governments within those regions to express their views?

There is no obligation in this accord, unlike what is found in many treaties, for so many signatories to ratify by a certain date for it to come into effect. It comes into force when 55 countries, identified as industrialized, accounting for 55 per cent of 1990 CO₂ emissions, ratify. To date, nearly 100 countries have approved it, but they represent only about 37 per cent of the required emission total. Canada's ratification would raise the figure to 41 per cent, or thereabouts. In addition, industrialized countries must reduce their collective emission of a basket of six greenhouse gases by a little over 5 per cent by the period 2008-12, while Canada's target is 6 per cent.

In view of these timelines, why the need for Parliament to commit itself by the end of 2002? We have very little information on which to base a well-informed judgment. The Leader of the Government may well suggest that this debate is similar to a second and third reading, but the fact is that, unlike that for a bill, the only information given to the Senate are documents tabled last Thursday, and then only after insistence from this side. There were no copies provided to senators. There were no briefing books. The tabled documents do not include any comments on discussions with provincial and territorial governments or with sectors of the economy directly affected, yet we are being asked to support a treaty which requires provincial and territorial support before Canada's obligations under it can be carried out.

There is no federal state's clause here, meaning that the federal government's undertaking is affected should even one province refuse to go along, because when Canada signed the Kyoto Protocol, it made a commitment on behalf of all jurisdictions. It has yet to secure confirmation of this commitment.

In September's Speech from the Throne, the government announced a first ministers' meeting in January to discuss the recommendations of the Commission on the Future of Health Care in Canada made public last week, and the Prime Minister repeated this intention over the weekend. How is it that a meeting is called on an important matter of shared jurisdiction, namely health, even before the background documentation is completed, while calls for a similar meeting on an equally important matter directly linked to health, namely the environment, are rejected out of hand five years after a treaty significantly affecting provincial jurisdiction is signed?

Honourable senators, it would be a curious circumstance were this deliberative body, this chamber of sober second thought, to refuse to hear from representatives of those who the founders of this nation envisioned we would defend and, furthermore, that we would fail to insist that those views, however determined, be taken into account.

Let me remind you again, as I did last week, of what Appendix I in our rules reads. It states:

That, whenever a bill or the subject-matter of a bill is being considered by a committee of the Senate in which, in the opinion of the committee, a province or territory has a special interest, alone or with other provinces or territories, then, as a general policy, the government of that province or territory or such other provinces or territories should, where

practicable, be invited by the committee to make written or verbal representations to the committee, and any province or territory that replies in the affirmative should be given reasonable opportunity to do so.

Although the motion before us today is not a bill, nor is it the subject-matter of a bill *per se*, it does represent at least a feeble attempt by the government to obtain a level concurrence by Parliament, the consequences of which have yet to be determined, on a matter which clearly affects the nations and the provinces within an area which is at least partly within provincial jurisdiction. Parliament should not give that concurrence without first consulting the partners in confederation.

Since the Prime Minister has made it clear that the present intention of the government is to proceed to ratify the Kyoto Protocol with or without the approval or consent of Parliament, this entire process is, to put it generously, suspect.

However, be that as it may, we cannot make assumptions about what the government will or will not do in response to the views expressed during the course of debate or in the conclusions we reach. We must do our job, and it ought to be done properly, insofar as it is possible to do so within the limits implied or imposed.

MOTION IN AMENDMENT

Hon. John Lynch-Staunton (Leader of the Opposition): With the history and purpose of this institution clearly in mind, together with the expressed opinion of the Supreme Court of Canada and our own rules, I move, seconded by the Honourable Senator Murray:

That the motion be amended by substituting for the period after the word "Change" the following:

, but only if, after the Senate has heard in Committee of the Whole from all federal, provincial and territorial government representatives who wish to appear, the Senate determines that there is a substantial measure of federal-provincial agreement on an implementation plan.

In other words, honourable senators, let us hear, from those representatives of provincial and territorial governments who want to appear before us, their views, suggestions and whatever else they may have to say. Let us try to contribute to an implementation plan so that, when the true moment of ratification comes, we will have not only the support of the provinces, but also a plan which the provinces support which will allow our obligation under the Kyoto Protocol to be satisfied for the benefit of all of us.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion in amendment?

• (1620)

Hon. Yves Morin: Honourable senators, I am pleased to rise today to speak in support of the motion proposed by my colleague, Senator Carstairs, that "the Senate call on the government to ratify the Kyoto Protocol on Climate Change."

Climate change has been called one of the most pressing issues facing the world.

The world's best climate scientists, working together through the Intergovernmental Panel on Climate Change, have forecast after much careful study of the issue that global average temperatures could rise by anywhere from 1.4 to 5.8 degrees over the next century. They have also said that Canada, as a northern country, could see even greater increases. It is very tempting, particularly today, for many Canadians to wonder what could possibly be so bad about warmer temperatures. The answer is a lot.

The environmental consequences of climate change will be significant, but more significant in my mind are the impacts that climate change is likely to have on human health, now and in the future, in Canada and in the developing countries.

[Translation]

The increase in greenhouse gas emissions into the atmosphere will have dramatic consequences on human health. In the debate in which the Canadian public and the parliamentarians are engaged on ratification of the Kyoto Protocol, the equation seems not to take into consideration anything but economic and environmental impacts. In my opinion, however, the health advantages for ourselves, our children and our grandchildren, and for the developing countries, strike me as far more important.

This crucial dimension of the problem is the one I wanted to address today.

[English]

Honourable senators, the health effects of climate change on Canadians will be different depending on where you live. One impact upon our health will come from hotter temperatures, particularly during the summer. Much of Canada sweltered through day after day of hot weather this past summer. Scientists tell us that over the next century we can expect more of this. Specifically, we can expect summer heat waves that are more frequent than we now experience, that are hotter, last longer and have higher levels of humidity.

These heat waves could cause an increase in heat-related illnesses, such as heat stroke and dehydration. We will see an increase in heat-related deaths, particularly among our more vulnerable populations. As the weather warms, insects and other pests will extend their reach farther north, bringing with them diseases we have not experienced before. Canadians were dismayed to see West Nile virus enter Canada this summer. Others will follow its path.

The heat is not the only danger. Climate change and air pollution have the same origin and one exacerbates the other. Fossil fuel combustion and warmer temperatures bring an increase in toxic air pollutants, such as mercury, sulphur and other toxic metals; dioxins; and particulate matter; all of which go to form smog and acid rain.

[Senator Morin]

For instance, every year in Canada, it has been estimated from the excellent studies of the Ontario Medical Association that air pollution will be responsible for 6,000 deaths from respiratory and cardiac disease, as well as from cancer. It will also be responsible annually for 30,000 hospital admissions.

The direct health costs for the people of Canada are now over \$3 billion a year.

A few weeks ago, an American study published by Fuchs and Frank showed a significant increase in medical care in areas where air pollution is higher. In certain regions such as Mexico, infant mortality is doubled when pollution levels are highest. We have all read about asthma and how it is reaching epidemic proportions. With more air pollution, asthma and other respiratory conditions will become even more prevalent.

What is more disconcerting is that children are especially vulnerable to the effects of air pollution. Sadly, soccer and baseball fields, playgrounds and swimming pools could be emptied as worried parents decide it is better to keep their children inside, where the air quality is better. This, in turn, could contribute to the increasing incidence of obesity among children that I have referred to in the past in this chamber.

[Translation]

It is mostly in the countries of the third world that the impact of climate change will be felt.

[English]

Countries such as those in Africa will be severely hit by global warming. For example, malaria will increase by 20 per cent. The prevalence of schistosomiasis will double, as will dengue haemorrhagic fever.

According to the World Health Organization, the human impact of these and other vector-borne infectious diseases is enormous. Climate change in Africa would entail the emergence of these infectious diseases in new areas as well as the extension of the transmission season in areas where it is present.

Lack of freshwater, desertification and alteration in marine ecosystems will lead to a doubling of the number of hungry people, with a proportionate increase in infant mortality. Again, according to the World Health Organization, it is in Africa that changes in food production will especially affect human health.

[Translation]

Honourable senators, as the Prime Minister has said on a number of occasions, particularly in the Throne Speech, Canada has assumed a lead role among the G8 member nations in a new world plan to assist the African countries, and will devote \$6 billion to it.

This is truly admirable, and this project has rightfully received enthusiastic support from the Canadian public.

What strikes me as less admirable is that our indifference in allowing greenhouse gas emissions to increase has made us directly responsible for the deteriorating health of Africans, for the famines and epidemics affecting the most vulnerable of populations, the very populations we have set ourselves a mission of aiding.

[English]

Honourable senators, the advent of global environmental health hazards will increase the vulnerability of poorer, underdeveloped populations of Africa.

Canadians are compassionate and generous. I am sure they are prepared to consent to certain sacrifices to prevent epidemics and other calamities in the developing world, especially in Africa. As Canadians, we can do something about future greenhouse gas emissions. Indeed, we have done something. Canada was one of the nations that negotiated the Kyoto Protocol five years ago. We played a leading role in subsequent negotiations to ensure that countries would have maximum flexibility to implement the protocol in a way that recognizes each country's unique situation.

Now, we are urging the Government of Canada to take the next step and ratify the protocol and to take on the target of reducing our greenhouse gas emissions to 6 per cent below 1990 levels by 2010.

Many people have questioned whether we can afford to ratify Kyoto. From the perspective of the health of Canadians, from the perspective of the health of developing countries, I would say to them, we cannot afford to leave the Kyoto Protocol unratified.

Hon. Gerry St. Germain: Honourable senators, I am pleased to once again rise in this place and place on the record the views of the people in my region. At the outset of the Senate's debate on the Kyoto accord, it must be said that the majority of Canadians do not know what ratifying this treaty really means to their families, their communities and the nation's economic well being.

It can also be said that not all the facts are on the table. Since this is, at its base level, a science issue, it can also be said that the scientific community is divided over the accuracy of the scientific models and the interpretation of research results.

After reviewing available information, I find that I cannot support the motion before us today, and it should come as no surprise that those provinces that have a real stake in the ramifications of Kyoto do not support the government's motion. The government's motion, as put by the Minister of the Environment in the other place, reads that this house call upon the government to ratify the Kyoto Protocol on Climate Change. In this place, it reads that the Senate call upon the government to ratify the Kyoto Protocol on Climate Change.

The Senate has not been asked to pre-study or examine a policy or legislation. Nothing has been procedurally laid before us on which to comment. Yet, honourable senators, are we to send a message to the other place, calling on the government to commit Canada to a quasi-international treaty? It appears that the Senate is being asked to subscribe to government actions without first effecting due diligence.

• (1630)

Only a few weeks ago, I believe, the government's minister in this place assured honourable senators that there would be a detailed examination of this treaty by a Senate committee. Prior to that, Canadians were assured that there would be no legislation before the spring of next year. Once again, honourable senators are being subjected to a government's unreasonable timeline and well-established parliamentary procedures are being abused.

Canadians can only conclude that the Senate is being used as a rubber stamp to do this government's version of democracy. I have a great deal to say about the Kyoto Protocol, but because Canada's political minorities are subjected to a system with inequitable rules, time permits me to raise only some of the concerns, not all of the concerns, expressed in the province and the western region I serve.

The government has dictated that this ratification resolution be passed before the Senate rises in December. Government is trying to say that we all have a responsibility to protect our environment for future generations. However, the issue is ~~not~~ the lack of will but rather that Canadians are entitled to a credible, workable plan before ratification by Parliament.

Honourable senators, the government is trying to pull the wool over the eyes of Canadians. It is trying to say that this is about air pollution, and it is not. It is about trying to address climate change, but the science is not there yet.

Canadians want to know what change it will have on their lives. The answer to that is clear. The government's plan will cost every Canadian family money. The government's own calculations show the new additional costs for the average family to be \$1,500 to \$3,600 annually — in perpetuity.

The drop in real income for a family will have one result: They will draw down on their savings, and subsequently their personal debt load will be simply unmanageable. This will have long-term economic consequences as it retards investment and capital formation.

The costs to business and our economy are really unknown. Kyoto will mean a fundamental restructuring of our economy. If ratified, the Kyoto Protocol will require Canada to cap greenhouse gases — largely carbon dioxide emissions — at 6 per cent, which is below 1990 levels, by the years 2008 to 2012. The government signed the Kyoto Protocol in 1997 and has still not given Canadians a scientific rationale and no detailed plan or cost estimates.

Honourable senators, the Kyoto accord is an issue on the level of the Meech Lake and Charlottetown debates. It will have pervasive economic ramifications as great as the free trade deal. In each of these examples, there was a national debate. In fact, referenda and general elections were held to obtain the consensus of Canadians. The Kyoto debate deserves no less. The federal plan must clearly set out the costs as well as the benefits for our economy, for employment and for the personal lives of Canadians.

In 1997, the federal government committed to the provinces that no region would be asked to bear an unreasonable burden. British Columbia has the third lowest emissions per capita in the country, yet we are given the greatest burden under the current plan. In every scenario, B.C. will realize the worst GDP and employment loss of any province or territory, and that is patently unreasonable and inequitable.

The intent is global environmental protection. This plan was seemingly devised by political policy wonks who do not live in the real world.

No one can stand up and state that British Columbians are not environmentally conscious. We have walked the walk. The B.C. forest industry is already reducing its greenhouse gas emissions. Some of our pulp mills have already exceeded Kyoto reduction targets — eight years ahead of schedule. Under the federal plan, we will not receive any credit for its foresight. Further, we will not receive due credit for the effort put into the stewardship of our forests.

Honourable senators, our forests absorb millions of tonnes of carbon dioxide each year. The government has devalued the credits for our carbon sinks. Clearly, the government wants to punish us for being excellent stewards of our forests.

The federal plan calls for job losses in B.C. ranging from 11,000 to 37,000. We cannot afford to lose any more jobs. The government has just finished decimating our softwood lumber industry because of its incredulous inability to negotiate with some modicum of respect with our largest trading partner.

The B.C. cement industry currently employs hundreds of people, and the government's plan will effectively close it down. The government proposes to import cement from the United States and China instead of supporting B.C., where we export more than 60 per cent of our product. Does that benefit our environment? No, but it does force those families to turn their thermometers down.

The government's complete disdain for the consequences of poorly thought out government policy and its impact on the Canadian family reminds me of the inflation debate of the early 1970s. In response to Prime Minister Trudeau's comment of "Let them eat peanut butter," Robert Stanfield said, "They," meaning the taxpayer, "would if they could afford it."

The B.C. industries at greatest risk are electric and gas utilities, forestry, petroleum and coal, and transportation. Revenues from electricity could drop 13 per cent; gas and electric revenues could drop 27 per cent.

The U.S. has the foresight to see no rationale in this plan. They are not part of it. In order to survive, B.C. industries will simply move to the U.S. Pulp mills will ship wood chips to the U.S. for processing rather than run mills in B.C. Pulp mills in Alberta, Ontario, Quebec, New Brunswick and Nova Scotia will do the same.

Alberta Premier Ralph Klein has taken to comparing the Kyoto Protocol to the National Energy Program, but Ottawa officials

prefer a comparison to the free trade agreement. Like the Kyoto Protocol, the FTA was a step into the unknown, but the FTA had a better-detailed plan.

Honourable senators, the Kyoto Protocol binds Canada to a specific obligation, and there will be consequences — economic penalties — if it is not met.

The egregious thing about Canada's part in Kyoto is that since Canada produces more greenhouse gas emissions per capita than any other country, we may face the largest impact from the accord. That is a result of unbelievably poor negotiating skills when it was signed. There needs to be more informed debate.

Honourable senators, four major oil sands companies have sounded the alarm about the danger this poses to future development plans of the massive resources in Western Canada. Husky Energy, Nexen Inc., Western Oil Sands and the Canadian Oil Sands Trust joined by Petro-Canada and Suncor Energy, two of the country's largest oil firms, have expressed concerns. The uncertain impact is creating questions in the capital markets. The government has a duty to understand these impacts on the oil and gas business.

It should be noted that the greenhouse gas issue is largely a consumer issue given that 80 per cent of emissions are created by consumption and not by production. The only way to reduce emissions is to reduce fuel use or switch to fuel types with less carbon dioxide waste products. Long experience with failed energy efficiency policies in the 1970s and the 1980s and the futile demand-side management policy on the part of the public utilities in the 1990s has shown that the only way to make this happen is to substantially and permanently increase the price of fuels paid by business and consumers. However, government does not have the fortitude to tell the individual consumers that they will have to foot the whole bill for this one.

The government believes the measures of the Kyoto Protocol will add little to the cost of using fuels. However, the history of conservation policies shows that without price incentives, consumption will not change much at all. If the government goal is to devalue the dollar even more, go back to being a resources exporter, exacerbate the brain drain and create a real socialist society, then their plan will work.

B.C. has been a world leader in developing clean, renewable hydroelectric power, but our population growth requires that we look at alternative clean energy sources such as natural gas and coalbed methane development.

Sources like wind power cannot meet our energy needs, nor will British Columbians accept building nuclear plants just so the Prime Minister can look good on the international stage.

British Columbians had hoped to develop their huge reserves of natural gas, but this opportunity has been quashed with the government imposing two other initiatives on the hard-working people of B.C. — marine parks and national parks. I believe B.C. has more protected parkland than the rest of Canada combined. Binding the economic future for our children by building a Yellowhead to Yellowstone Park system is not the way to go.

Honourable senators, the Kyoto Proposal must also be looked at in the global context. The U.S. has rejected Kyoto. They are not signing. Mexico is exempt from emission reduction requirements because it is a developing nation. This means that our NAFTA partners, representing over 90 per cent of our international trade, will have no Kyoto accord cost burden. Australia is not signing; they have pulled out. Japan has ratified the accord but it will not impose any emission reduction requirements on its industries. India and China, which will be the major sources of emissions growth over the next century, are exempt because they are developing countries. Thus far, the Europeans are still in, but their target is only one third the percentage of Canada's.

To sum up the international situation, given that so few countries are participating, the global environmental benefits of the treaty are non-existent.

• (1640)

The proposed scheme for carbon credits will result in billions of dollars transferred out of Canada. The government does not own this billions of dollars. The taxpayers own this money, and they want it to be spent on health, security and education needs. When there are no public benefits, not even global benefits, the people lose. The government must do the right thing and must not force the country into an inappropriate action by an artificial deadline. Canadians demand a democratic, multilateral approach, not a dictatorial, unilateral approach. I urge all honourable senators to join with the provinces, with business communities, with scientists and with most concerned Canadians to vote against this motion.

The intent to protect our planet is the right thing to pursue but, as all honourable senators know, there are several answers to every problem; it is just that some answers are better than other answers. Such is the case with reducing greenhouse gas emissions. There is a better plan, a different answer — a Canadian plan and a Canadian answer, better than the Kyoto Protocol — to realize and achieve the intent of reducing greenhouse gas emissions. This motion is not in Canada's interest. It is incumbent upon all honourable senators to exercise their good judgment and not be the lapdogs of a political master. They must show their support for a better Canadian answer.

Honourable senators, Prime Minister Chrétien has just issued an edict that this motion will be designated a motion of confidence. The 1985 McGrath committee studied the confidence convention and concluded that only explicit motions of confidence or matters central to the government's platform should be treated as confidence. The result was that all references to confidence were expunged from the Standing Orders, to regulate the functioning of Parliament. Canadian Chambers of Commerce have written in with their express direction that all votes on the Kyoto Protocol in the Senate and in the House of Commons be free votes. Once again, I repeat that the Senate has expressed its position that we are the masters of our own house, that we set our own rules and that each senator is equal in every respect.

If that is the case, each senator must vote according to the wishes of his or her province and not according to the views of political masters. I urge all honourable senators to reject this motion, to send a clear message back to the other place and to the executive branch of government.

Hon. Mira Spivak: Honourable senators, Senator St. Germain had a much different attitude when he was a member of the Progressive Conservative Party on the issues of climate change and the convention on biodiversity, because it is obvious that he must have voted in favour of it.

What is the honourable senator's evidence that energy efficiency did not work and will not work? Can Senator St. Germain point to any literature that states that energy efficiency does not work? It is my understanding that if the United States were to introduce a regulation requiring SUVs to get three more miles to the gallon, it would not need to import oil from Saudi Arabia.

What does the honourable senator mean by a "made-in-Canada solution" that is different from the Kyoto Protocol? The Kyoto Protocol, Article 2, states, in part:

Implement and/or further elaborate policies and measures in accordance with its national circumstances...

In other words, under the Kyoto Protocol, Canada has to introduce a made-in-Canada solution.

The Hon. the Speaker: With apologies for the interruption, Senator Spivak, Senator St. Germain's 15 minutes have expired.

Senator St. Germain: With leave of the Senate, I will answer the honourable senator's questions.

The Hon. the Speaker: Is leave granted, honourable senators?

Some Hon. Senators: No.

On motion of Senator Robichaud, debate adjourned.

CRIMINAL CODE FIREARMS ACT

BILL TO AMEND—THIRD READING— SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, as requested, I will make the ruling that arises out of the point of order brought forward by Senator Lynch-Staunton with respect to Bill C-10A.

I will begin by reading the relevant authority, which is found in Erskine May's *Parliamentary Practice*, page 532, under the heading "Division of bills."

When an instruction has been given to the committee that a bill may be divided into two or more bills, those clauses which are to form a separate bill have been postponed or considered in the position assigned to them by the bill. When they have been considered, preambles (if necessary), enacting words and titles have been annexed to them, and the separate bills have then been separately reported.

That, I believe, is the operative authority. Hence, I rule that it is not necessary to proceed in two steps. In fact, on November 28, as recorded on page 228 of the *Journals of the Senate*, the Standing Senate Committee on Legal and Constitutional Affairs reported back to the Senate its second report, as follows:

Your committee, to which was referred Bill C-10, an Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act, and to which instructions were given to divide Bill C-10 into two bills, has, in obedience to both orders of reference, examined the said bills and now reports that it has divided the bill into two bills, Bill C-10A, an Act to amend the Criminal Code (firearms) and the Firearms Act, and Bill C-10B, an Act to amend the Criminal Code (cruelty to animals), both of which are set out in Appendices A and B respectively to this report.

Your committee has agreed to report Bill C-10A without amendment, and further reports that it is continuing its examination of Bill C-10B.

Respectively submitted,

Further, in the *Journals of the Senate*, at the bottom of page 228 and at the top of page 229, it is noted:

After debate,

The question being put on the motion, it was adopted on division.

The Honourable Senator Robichaud, P.C., moved, seconded by the Honourable Senator Rompkey, P.C., that Bill C-10A, an Act to amend the Criminal Code (firearms) and the Firearms Act, be placed on the Orders of the Day for third reading at the next sitting.

The question being put on the motion, it was adopted.

Honourable senators, that is how this matter came before us earlier today. The committee reported a bill back to the house, not a draft of a bill or a document. The Senate took it as such — a bill. It was the subject of a motion that gave rise to the order to vote today, as recorded on page 230 of the *Journals of the Senate*.

• (1650)

The Honourable Senator Robichaud, P.C., moved, seconded by the Honourable Senator Kinsella:

That, pursuant to Rule 38, in relation to Bill C-10A, An Act to amend the Criminal Code (firearms) and the Firearms Act, no later than 5:30 p.m. on Tuesday, December 3, 2002, any proceedings before the Senate shall be interrupted and all questions necessary to dispose of third reading of the Bill shall be put forthwith without further debate or amendment, and that any votes on any of those questions not be further deferred; and

That, if a standing vote is requested, the bells to call in the Senators be sounded for thirty minutes, so that the vote takes place at 6 p.m.

[The Hon. the Speaker]

The question being put on the motion, it was adopted.

In conclusion, the way in which the committee dealt with the order of the Senate is in order. Bill C-10 has not disappeared and the committee to which it was referred has properly carried out the order of the Senate. Accordingly, it is in order to proceed.

BILL TO AMEND—THIRD READING

Hon. Mobina S. B. Jaffer moved the third reading of Bill C-10A, to amend the Criminal Code (firearms) and the Firearms Act.

She said: Honourable senator, Bill C-10A has had a long and interesting journey in arriving before us today for third reading. This journey began on December 1, 1999, when Bill C-17, a complex bill filled with Criminal Code amendments in many different areas, was read the first time in the other place. That bill was interrupted when the last election was called.

The bill was streamlined and reintroduced as Bill C-15 in the previous session of Parliament, but it underwent a further change when the House of Commons Committee on Justice and Human Rights split it into two parts, Bill C-15A and the bill that contains the amendments before us today, Bill C-15B.

Bill C-15B first came to this chamber on June 4, 2002, but the prorogation of Parliament meant that it would need to be reintroduced again, although this time it came to us much more quickly as Bill C-10.

On October 22, I moved second reading of Bill C-10, to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act. Numerous senators joined the debate with their own legitimate concerns at second reading, and on November 20 the bill was referred to the Standing Senate Committee on Legal and Constitutional Affairs. At that time, a motion put forward by Senator Adams was adopted. This motion instructed the committee to split Bill C-10 into two specific sections with the ultimate goal of creating two separate bills.

One of the new bills, Bill C-10B, would deal only with provisions relating to cruelty to animals and the other, Bill C-10A, which is before us today, would deal specifically with provisions relating to firearms.

The committee heard from the Minister of Justice on the same day as the order of reference was received. The minister outlined his position on both halves of Bill C-10, and the committee opted to proceed with a discussion on splitting the bill rather than questioning the minister at that time. In this way, it would focus on the provisions dealing with firearms before moving on to those dealing with cruelty to animals.

[Translation]

After lengthy deliberations, the committee adopted a motion to split the bill into two working documents, in order to address the provisions relating to firearms, before reporting the bill to the Senate and asking the upper chamber for authorization to continue to study the provisions relating to cruelty to animals.

[English]

A notable effort has been made to ensure that the proper procedure was followed throughout this process. The committee worked hard on many of the issues that had been raised in the Senate chamber during the debate at second reading and heard from witnesses from the Canadian Firearms Centre, the Canadian Police Association, the Canadian Federation for Gun Control, the Minister of Justice's User Group on Firearms, the Canadian Shooting Sports Association and the Canadian Firearms Association.

A number of senators were concerned about the date of January 2003 with regard to the possibility of some people then becoming criminals. I believe it is largely due to the conviction of those senators that the Minister of Justice has announced a grace period of six months for the registration of firearms in order to give those who have attempted to comply with the law freedom from criminal prosecution.

The Canadian Police Association appeared before the committee to reiterate their support for the firearms program. Mr. David Griffin, a former police officer and resident of the CPA, noted that licensing and registration are important in reducing misuse and illegal trade in firearms.

The program is already achieving higher levels of public safety for all Canadians. Since December 1, 1998, more than 7,000 licences have been refused or revoked by public safety authorities. The number of revocations is over 50 times higher than the total in the last five years under the previous program.

The amendments to the Firearms Act included in Bill C-10A will help ensure that the key public safety goals of the Firearms Act are met. At the same time, they will ensure that the administration of the program is made more efficient, effective and friendly to firearm owners.

Wendy Cukier, a volunteer with the Canadian Federation for Gun Control, went as far as to tell the committee:

It is important to understand that this bill is actually not directed at satisfying anything that we have asked for; it is intended to make things easier for gun owners in this country.

The goals of the amendments contained in Bill C-10A are to streamline the Canadian firearms program and to reduce costs by improving service and continuing to ensure public safety.

The firearm licensing and licence renewal process, as well as the registration system, will be simplified. The process at the border will also become more efficient with the introduction of pre-processing for visitors bringing guns into Canada.

Provisions to streamline the firearms program included in Bill C-10 will also help us to avoid a repeat of the problem of overloads in the system that we are now experiencing. Gun owners can be assured a more timely response to licensing requests through the staggering of licence renewals to make the system more consistent and manageable.

Bill C-10 will also extend the grandfathering period for restricted handguns, allowing businesses and individuals to keep

handguns that they acquired legally in the period between the time when the Firearms Act was passed and when it took effect.

The licensing program has achieved a 90 per cent compliance rate so far, and about 70 per cent of licensed firearms owners have acted to register their firearms.

David Griffin of the CPA noted the following in his submission to the committee:

Illegal guns start off as legal guns. Registration helps to prevent the transition from legal to illegal ownership, and helps to identify where the transition to illegal ownership occurs. We have been encouraged by the steps proposed by the Canadian Firearms Centre leadership and adopted by the Minister of Justice to streamline the licensing and registration process in order to achieve greater compliance by law-abiding Canadians.

Over the past decade, poll after poll has shown that the overwhelming majority of Canadians support gun control and the important public safety framework of the Firearms Act. Bill C-10A presents an opportunity to build on this framework in a way that is responsive to gun owners and will serve to reduce costs.

Although some amendments were proposed — and it is my understanding that they will be brought before the chamber shortly — the committee has considered this bill and reported it back to us without amendment.

Hon. Gerry St. Germain: Will the honourable senator accept a question?

The Hon. the Speaker: Will you take a question, Senator Jaffer?

Senator Jaffer: Yes.

Senator St. Germain: In the city of Toronto we have had a rash of murders committed with handguns. Handguns have been effectively registered in this country for decades. How does the honourable senator rationalize the reduction of crime when we have had this horrific outbreak? I believe there were 30 young people murdered with handguns.

• (1700)

Senator Cools: I think it is 39.

Senator St. Germain: Is it 39? Many people have been killed with handguns that have been registered for decades. How does the honourable senator rationalize that this registration process will slow things down?

My other question is one I also asked of the Leader of the Government in the Senate. Of the 7,000 people who have been refused licences, how many are Aboriginal people — people who have, unfortunately, a high level of criminal charges against them as a race? How many of those 7,000 were Aboriginals?

Those are my two questions, one concerning the Toronto situation and the other concerning Aboriginals.

Senator Jaffer: Honourable senators, I will start with Senator St. Germain's second question. I do not have an answer. As the Leader of the Government in the Senate said, she will provide an answer.

As for the first question, honourable senators, the best way I can answer is to repeat what was said in the committee. The police witnesses stated that the registration helps them to track the owners of the guns. It helps them to see where the guns are, and it helps them to do their job better. It is like saying that by having good legislation on the issue of drunk driving, we should therefore not have offences concerning drinking and driving. That does not mean we should not have good legislation. We should have good legislation and good gun control as a preventive measure. Having good legislation does not mean we will completely avoid every gun crime in this country. That can never happen. However, we must still try and control guns, the same way we try and reduce the number of people who drive cars when they are drunk. Having that legislation does not prevent people from driving cars when they are drunk, but it does help most people to see that it is not a good way of doing things.

Some Hon. Senators: Hear, hear!

Hon. Charlie Watt: Honourable senators, I am quite sensitive to the time that is being allowed to debate this bill, and I do not think it is fair. I might be the only one speaking. If I can only speak for half an hour, then there will not be any time for other senators to speak. I do not think that is fair. Therefore, I am making a motion to extend the time.

The Hon. the Speaker: Is leave granted, honourable senators?

Senator Carstairs: No.

Some Hon. Senators: No.

Senator Cools: Yes.

The Hon. the Speaker: Leave is not granted.

Senator Watt: Honourable senators, on the basis that our leader quite loudly said no, I will speak without any comfort whatsoever.

Hon. Terry Stratton: Honourable senators, on a point of order, Senator Watt put a motion forward and asked for an extension of time. Is that not debatable?

Senator Cools: I think so.

The Hon. the Speaker: If notice is given, then it comes up the next day.

Senator Robichaud: No.

Senator Stratton: In this particular instance, we are dealing with time. The specific issue is with respect to time, which has been complicated by His Honour having to deal with a ruling. That has delayed debate and has compacted debate virtually into less than 30 minutes. I know of at least four or five senators who wish to speak. Surely we can ask for a credible extension of time.

Honourable senators, if this matter is not debatable, then we should have a vote on whether it is allowable to extend the time.

Senator Robichaud: We should let him speak.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, with the greatest respect, there is a house order that the bells will ring at 5:30 p.m.. Let Honourable Senator Watt speak. If he wants to use all the time until 5:30, so be it.

Hon. Anne C. Cools: Honourable senators, what about the rest of us who wish to speak?

Senator Andreychuk: What about the rest of us?

Senator Cools: I appreciate that the leadership makes agreements and then they get up and say there is an order, but when these orders are created, certainly we should be mindful of the fact that senators need to speak. What is magical about six o'clock tonight? Certainly the time for debate could be extended. When this amount of time was allocated, one could have allocated more. No one explains.

As far as I am concerned, it is a perfectly legitimate suggestion or motion that Senator Watt has proposed. It seems to me that the government had said to us that a reason for the rush of the bill and the need for closure was that the December 31 date was critical. The minister has now removed that stipulation.

The debate should be slowed right down to allow senators to speak properly.

Senator Robichaud: It is not closure.

Senator Lynch-Staunton: Let Senator Watt speak.

Senator Cools: It is agreed that there be closure. As far as I am concerned, it is closure.

Senator Robichaud: It is not closure.

The Hon. the Speaker: A couple of points have been raised. I draw to the attention of honourable senators where we are at the present moment.

Senator Lynch-Staunton: We are in the Liberal caucus.

The Hon. the Speaker: We are at the third reading stage of Bill C-10A and Honourable Senator Watt has the floor. The question of order has been raised that if Senator Watt moved a motion, or gave notice of a motion, why was that not dealt with as a motion? That is because we are at third reading stage of Bill C-10A. We have other proceedings in our rules for notices of motions and debating those motions and dealing with those notices of motions. That is why I asked the house if leave was granted to accede to Senator Watt's request for additional time to speak beyond his 15 minutes. I asked that question, leave was not granted, and I returned to Senator Watt, as I do now.

Senator Lynch-Staunton: Hear, hear!

Senator Watt: Honourable senators, I will get right to the point, as much as possible, because I do not want to see this matter get off track.

I will focus, honourable senators, on the fact that a deadline is coming up — January 1, 2003. Many people will be affected by this deadline. It is for that reason that I should like to get right to the point.

MOTION IN AMENDMENT

Hon. Charlie Watt: Honourable senators, I move, seconded by Senator Adams:

That subsection 98(3) of the Criminal Code, Part III, be amended to provide for reasonable time available to those law abiding Inuit and other law abiding Canadians to conform with the requirement to obtain a registration certificate for the purposes of possession of firearms other than prohibited or restricted firearms and as follows:

— “Any person who, at any particular time between the coming into force of subsection 91(1), 92(1), 94(1) and the later of January 1, 1998, and such other date as is prescribed, possesses a firearm that, as of that particular time, is not a prohibited firearm or a restricted firearm shall be deemed for the purposes of that subsection to be, until January 1, 2004, the holder of a registration certificate for that firearm”.

• (1710)

The Hon. the Speaker: Honourable senators, before the motion is brought forward, I should inform you that I misstated the situation when I said that Senator Watt had 15 minutes. In fact, as the second speaker, he has 45 minutes.

Senator Stratton: That is what I thought.

The Hon. the Speaker: I gather it is the position of the opposition that Senator Watt has 45 minutes.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with all due respect for the Chair, I understand that Senator Watt is not limited to a 15-minute speech. However, I do not think that he has 45 minutes, because we must interrupt the proceedings of the Senate at 5:30 p.m.

[English]

Senator Lynch-Staunton: The Speaker has ruled.

Senator Stratton: These are the rulings. The Speaker has ruled.

The Hon. the Speaker: No. I am referring Honourable Senator Robichaud to the rule. The first mandate to this chamber is to adhere to its order to have a vote at 6 o'clock with bells at 5:30 p.m.. I did not mean that.

However, in my response to Senator Watt, I was under the impression that he wanted to extend his time for speaking beyond

15 minutes. It was explained to me that, as the second speaker, our rules provide that he may speak for 45 minutes.

It is moved by the Honourable Senator Watt, seconded by the Honourable Senator Adams, that Bill C-10A —

Senator Stratton: Dispense.

Senator Carstairs: No.

The Hon. the Speaker: — be not now read a third time but that it be amended as follows:

That subsection 98(3) of the Criminal Code Part III be amended to provide for reasonable time available to those law-abiding Inuit and other law-abiding Canadians to conform with the requirement to obtain a registration certificate for purposes of possession of firearms other than prohibited or restricted firearms and as follows:

Any person who, at any particular time between the coming into force of subsections 91(1), 92(1) and 94(1) and the later of January 1, 1998, and such other date as is prescribed, possesses a firearm, that, as of that particular time, is not a prohibited firearm or a restricted firearm shall be deemed for the purposes of that subsection to be, until January 1, 2004, the holder of a registration certificate for that firearm.

Is it your pleasure, honourable senators, to adopt the motion, in amendment?

Some Hon. Senators: Yea.

Some Hon. Senators: Nay.

The Hon. the Speaker: Is the house ready for the question?

Senator Carstairs: No.

Senator Kinsella: Agreed.

The Hon. the Speaker: If we are agreed, we will have to wait until six o'clock, in accordance with the order of the house, before we vote on it.

Senator Robichaud: We can vote on the amendment now.

The Hon. the Speaker: Is it the will of the house to vote on the amendment now?

Senator Stratton: No.

Senator St. Germain: Yes.

The Hon. the Speaker: The order of the house is that all matters shall be disposed of at six o'clock. I believe, honourable senators, that we should adhere to the strict letter of the order, which is that all matters shall be disposed of in accordance with that order.

Senator Watt, are you finished speaking?

Senator Watt: No.

It is not my intention to preclude any other senator from speaking to this matter, but there is one area on which I should like to elaborate, and that relates to the comment from our leadership today that owning a rifle is a privilege.

Senator St. Germain: Shame! —

Senator Watt: Honourable senators, if that were the case, then do you think I would be here today? I do not think so.

Over time, Canadians have evolved and have found new ways of providing for their families. Unfortunately, Aboriginal people have not had the same access to jobs as have other Canadians and still rely on what they harvest to feed their families.

Honourable senators, the other day in committee I was struck by a question posed to me by another senator. He asked me, "Why do you need more than one rifle?"

Senator Cools: That is none of his business.

Senator Watt: As a hunter, I found it difficult to give an instant response, but it did cause me to question just how much he understands about the utilization of rifles. In the North, honourable senators, rifles are considered to be are tools. Aboriginal people consider rifles to have value just as non-Aboriginals recognize the value of \$10, \$25, \$50 and \$100 at the grocery store. Money is a necessity. As I indicated, rifles are tools that Aboriginals use. In order not to waste what is harvested, Aboriginals must be selective in terms of what rifle is used. One rifle is not adequate.

The senator who asked me that question the other day probably saw the article in the newspaper stating that Aboriginals have many rifles. The implication was, if we do not have the money to register our firearms, how can we afford to have so many rifles?

Do not forget, honourable senators, that Bill C-68 prohibits us now from being able to pass our rifles down to other generations. Many of us inherited our rifles from our ancestors. There is a reason we have many of them.

Honourable senators, those are all the points I want to make. I must admit that I am actually frustrated. Seldom do I use words that are not acceptable in the Senate chamber. However, in this case, I am frustrated as hell in dealing with this issue. I think that we are bullying our elderly people and our kids. I hear senators speaking about sexual abuse, and about the terrible things that are happening to kids. However, I am sorry to say, that, honourable senators, when it comes down to dealing with the lives of our people, you come up short. Do what you say you will do.

Some Hon. Senators: Hear, hear!

Hon. Herbert O. Sparrow: Honourable senators, would the Honourable Senator Watt entertain a question?

Senator Watt: Certainly.

Senator Sparrow: Senator Watt referred to the Leader of the Government in the Senate saying that owning a gun is a privilege. Perhaps he would give me his thoughts on that. I thought that everything that is not covered by law is a right; that people may do as they please unless the law prohibits it. Therefore, if anyone is entitled to have a gun, that is a right. If we were to take away that right by law, then it might very well become a privilege. However, the law does not prohibit the possession of the firearms the honourable senator is talking about, so possession of rifles is not a privilege. It is a right. Does the honourable senator believe that Canadians, and in particular Aboriginal people, have a right to own guns?

Senator Watt: Honourable senators, it is categorically a right, not a privilege. As I said, honourable senators, if it were not a right, I do not think I would be here.

In addition, the Constitution that applies to all Canadian citizens, talks about the right to life. I am talking about the right to life, honourable senators, and nothing more. I am not asking for anything above and beyond the right to life. That is what I am asking for on behalf of the people of Canada — not only the Aboriginal people.

• (1720)

Some Hon. Senators: Hear, hear!

Hon. A. Raynell Andreychuk: Honourable senators, I want to express my dissatisfaction with this whole process that started with Bill C-68. We have expended, as the Auditor General has said and as was abundantly pointed out in our committee, almost \$1 billion attempting to register those citizens who have been acting in good faith with weapons that they have used. It is not a question of the criminal element. It is a question of saying: "You have a firearm. You have a right to use it, or a privilege, whichever category you come into. What we as the Canadian government will make you do is register, and to register here is a process."

Well, the process has ultimately failed. It has cost \$1 billion, and there are still citizens who will be put in jeopardy, into a criminal category, simply because of a bureaucracy and a process that have failed. I cannot believe that, when we talk about management and good governance around the world as Canadians, we could spend \$1 billion in a process that has failed to accomplish what the government set out to do. It is not a question of liking the bill, or not; it is that there has been a misapplication of that objective in a way that has produced, in my opinion, the use of money unwisely.

Honourable senators, think about what \$1 billion could have done if we were talking, as we did in Bill C-68, about stopping wife abuse. What if we had put that money toward education and to really going after the problem? What if we had used \$1 billion to close our borders to illegal guns, and a whole host of other things have been pointed out?

Honourable senators, in the very few seconds that I have — and I express deep regret that we would shove into less than half an hour a debate that is so fundamental to the Aboriginal people — I wish to point out that in our study of Bill C-68 it was pointed out the government had a duty to consult with Aboriginals pursuant

to section 35 of the Constitution. Section 35 is in our Constitution because the citizens of Canada acknowledge the rights of Aboriginal peoples. When Bill C-68 was in committee, Mr. Justice Binnie, ~~who is now in~~ the Supreme Court of Canada, and Professor Hogg both pointed out that there was no consultation, a consultation that should have taken place with Aboriginal people. At that time, the government, through the minister and bureaucrats, indicated that it would attempt to consult after the fact. Although it was not in full compliance with the Constitution, it would consult.

Honourable senators, we heard in committee that the government has attempted in its process to be culturally sensitive but that it has not adhered to the Constitution nor set up a special process to consult with Aboriginals. What has happened? The majority of Aboriginals have been frustrated because of the process, because there is no understanding of Aboriginal people and because Aboriginals have not been afforded their rights. As a result, Aboriginals will be categorized as not abiding by the law; we will be criminalizing the Aboriginal people.

Is this in keeping with Canada's stated policy of a new framework with the Aboriginal people? I do not believe it is.

Senator St. Germain: Shame!

Senator Andreychuk: I do not believe that Bill C-10A goes anywhere near to acknowledging the rights of Aboriginals, nor did Bill C-68. Again, seven years later, we who profess to say that we will adhere by the Constitution are, again, in my opinion, violating it.

It is one simple fact that we could and can give to Aboriginals the rights they deserve — not those things that are beyond their rights, because certainly Aboriginal people have asked for things that are, perhaps, beyond their rights. Honourable senators, the gun registry process has been a frustrating seven-year process. Aboriginal people are being marginalized and criminalized by a process that makes no sense, not only to them but to all of us. The process of a registry not only does not fit the Aboriginal people, it does not fit others. It is a process that is fraught with bureaucracy and unfairness. It is a process that has been used, perhaps, to justify what the government did in the first place rather than being a realistic application system built on what hunters and what trappers would say is appropriate.

Senator Robichaud: Your Honour, on a point of order —

Senator Stratton: Why?

Senator Robichaud: Honourable senators, we have just received a copy of the honourable senator's amendment.

Senator Andreychuk: It is only in English.

Senator Robichaud: I am questioning the receivability of the amendment.

Senator Lynch-Staunton: Come on. Give us a break!

Senator Robichaud: This amendment opens a section that is not now before us.

Senator Kinsella: The bill is before us, is it not?

Senator Robichaud: We have been discussing precedents and proper conduct, and I would not want, in this case, to be going where we should not be going.

Senator Lynch-Staunton: You already have!

Senator Robichaud: I am asking the Chair for guidance in this matter.

Senator Andreychuk: I should like to speak to the honourable senator's point of order. This amendment was in fact discussed, or a similar one, in our committee. While it refers to sections that the honourable senator believes are not in Bill C-10, it is the way that officials told us we could accomplish the aim within Bill C-10A.

Senator Cools: That is right.

Senator Lynch-Staunton: It is not a bill.

Senator Cools: Honourable senators, I should like to confirm that exactly. I put the question as to what sections should be amended to the Justice officials. I asked them directly about the proper way to approach it. I was not involved in the drafting of this, but clearly the Justice Department people pointed the committee directly to section 98(3) of the Criminal Code.

I do not know how we proceed from here. It does not matter anyway because it is all over. How do we use these last three minutes? That is the major thing.

I should like to say that I was very unhappy several years ago when we passed Bill C-68 in the way that it was passed. I had hoped that this time around perhaps the government would have learned something. I have discovered that the government has learned nothing. I had hoped that somehow or the other, in this go around, the government may have been open to learning a little bit more about how Bill C-68, the Firearms Act, was operating on the ground and how it was hurting and damaging ordinary people and poor people, the majority of whom have no resources.

It seems to me that a vote is coming on. It seems to be clear that I am not happy with the whole process.

The Hon. the Speaker: Honourable Senator Cools, I am rising because it is almost 5:30 and the Deputy Leader of the Government has raised a question as to the orderliness of the amendment before us. It puts me in a very difficult position, but I think I must make a decision before 5:30. I have approximately one minute to do so.

In the time that I have had to look at this, I have tried to find in Bill C-10A the sections of the Criminal Code that Senator Watt's amendments refer to, and I am unable to find them.

An amendment, to be proper, must amend something that is before the Senate. If these sections are not before the Senate, then these amendments are not within the scope of Bill C-10A, and I must rule them out of order.

Senator Robichaud: Question!

Senator Watt: Honourable senators, as to whether this was done in an orderly fashion, this was recommended by the Department of Justice. I did not take that out of the blue. It came from the Department of Justice.

Senator Andreychuk: And there is reason.

Senator Kinsella: They are cop supporters.

The Hon. the Speaker: Honourable Senator Watt, I am sorry, but I did make a ruling, and it is not debatable. It can be challenged.

Senator Stratton: Your Honour, that is a lousy ruling, and you know it.

Senator Lynch-Staunton: We can appeal the ruling.

• (1730)

The Hon. the Speaker: It now being 5:30, pursuant to the order of this house adopted by the Senate on Thursday, November 28, 2002, it is my duty to interrupt the proceedings for the purpose of disposing of all questions necessary in connection with third reading of Bill C-10A.

I will proceed to put the question. It was moved by the Honourable Senator Jaffer, seconded by the Honourable Senator Furey, that the bill be read the third time now. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: For certainty, honourable senators, I will follow a formal means of putting the question to you.

Those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators. The vote will be at six o'clock.

[The Hon. the Speaker]

• (1800)

Motion agreed to and bill read third time and passed, on the following division:

YEAS THE HONOURABLE SENATORS

Bacon
Biron
Callbeck
Carstairs
Christensen
Cook
Corbin
Cordy
Day
De Bané
Fairbairn
Ferretti Barth
Finnerty
Fraser
Furey
Graham
Hervieux-Payette
Hubley
Jaffer

Kenny
Kroft
Lapointe
Losier-Cool
Maheu
Mahovlich
Milne
Morin
Pearson
Pépin
Phalen
Poy
Robichaud
Roche
Rompkey
Setlakwe
Smith
Stollery
Wiebe—38

NAYS THE HONOURABLE SENATORS

Adams
Andreychuk
Atkins
Bolduc
Buchanan
Cochrane
Comeau
Cools
Di Nino
Forrestall
Gustafson
Kelleher
Keon
Kinsella

LeBreton
Lynch-Staunton
Murray
Nolin
Oliver
Rivest
Rossiter
Sibbeston
Sparrow
Spivak
St. Germain
Stratton
Tkachuk
Watt—28

ABSTENTIONS THE HONOURABLE SENATORS

Beaudoin
Gauthier

Gill
Joyal—4

The Hon. the Speaker: Honourable senators, my first obligation is to draw your attention to the clock. It being six o'clock or later, is it your wish not to see the clock?

Hon. Senators: Agreed.

BUSINESS OF THE SENATE

COMMITTEES AUTHORIZED TO MEET DURING
SITTING OF THE SENATE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators might find agreement as well to allow those committees that wish to sit and have meetings at 5:30 or six o'clock to meet, notwithstanding that the Senate is sitting.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

CRIMINAL CODE
FIREARMS ACTBILL TO AMEND—MESSAGE TO COMMONS—
POINT OF ORDER

The Hon. the Speaker: Honourable senators, I must read the following message to the House of Commons:

Ordered,

That the Clerk do carry this Bill back to the House of Commons and acquaint that House that the Senate has divided the Bill into two Bills, Bill C-10A, An Act to amend the Criminal Code (firearms) and the Firearms Act, and Bill C-10B, An Act to amend the Criminal Code (cruelty to animals), both of which are attached to this Message as Appendices "A" and "B" respectively; and

That the Clerk further acquaint that House that: (a) the Senate desires the concurrence of the House of Commons in the division of Bill C-10; (b) the Senate has passed Bill C-10A without amendment; and (c) the Senate is further considering Bill C-10B.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise on a point regarding the message that His Honour has just read. I wish to draw the attention of the house to the *Debates of the Senate* of July 7, 1988, page 3887, when a similar message was prepared and sent to the House of Commons. The text of the message was debated by the Senate and amended in the Senate. Therefore, I wish to have clarification that this is the precedent we are following. We wish to debate the text of the message.

The Hon. the Speaker: Honourable senators, I will treat this as a point of order because I do not believe the order I have just read is debatable, unless leave is given to debate it.

Senator Robichaud: It is not debatable.

The Hon. the Speaker: Do any other senators wish to participate?

Hon. Anne C. Cools: Honourable senators, I am not sure that this is a point of order because it is not a matter that should be resolved by His Honour acting alone. If there is a question before us, we should resolve it in debate because, if I understand what Senator Kinsella has essentially read, the message itself is debatable and amendable. This is essentially, from what I can

see, Senator Kinsella bringing forward something for debate that perhaps senators have not chosen to exercise in the past. Perhaps honourable senators, now that they are relying on these precedents from other times, will learn better how to amend these messages.

As I indicated, I am not sure that this is a matter that is resolved by His Honour acting alone. I think it is a matter better resolved by all senators here. It is not a point of order.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I was under the impression we were voting on the third reading of something called Bill C-10A. I had assumed that once the vote was favourable, a message would be sent accordingly. I have now heard the text of a message that is brand new to me and, I imagine, to colleagues, giving all sorts of information of which I am not aware. I am not prepared to send a message unless we have that text before us and are in agreement that that is the message we want to send. I should like to know the origin of the message, the author of the message and why that message was not distributed to honourable senators before being read.

Senator Robichaud: It never is.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, with the greatest respect, messages following the passage of a bill are composed, written and sent by the Speaker of this chamber.

• (1810)

That is the way in which it should be done. In this chamber, we have agreed to split Bill C-10 into Bill C-10A and Bill C-10B. We have passed Bill C-10A. We are informing the House of Commons that we have done so, and we are seeking their concurrence. That is the message that His Honour has given us this evening.

Senator Lynch-Staunton: Honourable senators, that is not what the speaker has said. In any event, since when does His Honour offer editorial comment on our behalf?

Senator Carstairs: Honourable senators, with the greatest respect, he did not offer editorial comment on our behalf. He did reflect on what had been the decision of this chamber. The decision of this chamber was to direct the committee to split the bill. The committee split the bill. It followed the instructions of this chamber. It reported the bill back. The committee reported Bill C-10A without amendment. We then proceeded to third reading. We passed Bill C-10A without amendment. His Honour is now sending a message to the House of Commons to the effect that we have split the bill, we are asking for their concurrence, and we have passed Bill C-10A.

Senator Tkachuk: That is that?

Senator Lynch-Staunton: I wish to speak on that. The point that Senator Kinsella is making is that this is a debatable motion based on the argument led in 1988. Therefore, with all respect, we would like His Honour to rule that this message is not only debatable, but also amendable, as it was in 1988.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I do not think that we should debate this message. If, in 1988, we agreed to the suggestion of a senator to remove part of the message proposed by the Speaker, that was a mistake. It led to the rejection of that message by the Speaker of the House of Commons.

I believe that the message is perfectly correct, as the leader of the government just said. This is exactly what we did. We are sending them all the information. We just passed Bill C-10A at third reading. We are seeking the agreement of the House of Commons. We are continuing with consideration of Bill C-10B, as the committee report mentioned. All this is rather simple.

[English]

Senator Forrestall: Honourable senators, how can we do that without a Royal Recommendation?

The Hon. the Speaker: Do other honourable senators wish to comment?

Senator Kinsella: Honourable senators, rule 123 of the *Rules of the Senate* provides for the arranging of the transmission of messages. It provides that the Clerk of the Senate shall arrange for the transmission of the messages from the Senate. It does not say that the clerk will write the message, nor does it say that the Speaker of the Senate will write the message. Clearly, if it is a message from the Senate, the Senate will approve the text of any message that is sent.

That is exactly what was done by the Senate on July 7, 1988.

Senator LeBreton: That is when we worked.

Senator Kinsella: Then Senator MacEachen proposed, and he was supported by Senator Flynn, that a message of a certain text be sent. In the debate that ensued, honourable senators — and this is critical because this is our precedent — Senator Flynn did not want to have the concurrence sought by the Senate from the House of Commons. Senator MacEachen argued to ask for their concurrence. At the end of the day, Senator MacEachen lost the debate. Senator Flynn's proposition that the Senate amend the draft message was accepted. The request for concurrence was struck.

The point is that we can amend the draft message that is before the house. I do not know who drafted it, but His Honour has laid it before us.

Honourable senators, I think that the message should be amended. I remind the honourable senators that the House of Lords companion to their standing orders provides at page 62 an interesting discussion on messages from the Lords to the Commons taken by the clerk. It is patently clear that it is for the honourable members to determine the text of the message to be sent to the other place.

It is not a *pro forma* exercise. In this particular case, it is an exercise that speaks to content, because we have done something different. We are asking for concurrence on something that is quite atypical, extraordinary. That is the issue on orderliness.

I wish to move an amendment to the text of the message. I wish to have struck in line 2, the word "carry" to be replaced by the word "return."

The Hon. the Speaker: Honourable senators, we are now on a point of order.

Senator Carstairs: That is right.

Senator Robichaud: That is right.

Senator Cools: No.

The Hon. the Speaker: The point of order is whether the message that we send is debatable and votable, in which case it could be amended.

I am aware of the precedents that were referenced with respect to 1988. I have read the rulings of the Speaker of the Senate and the Speaker of the House. However, it would be a mistake for me to try to formulate a ruling off the cuff on what I consider to be the question. It is an important question. I do not remember debating these orders in the past or voting on them.

Therefore, I would like a little time to consider what I perceive to be the question, namely, is this a debatable matter and thereby a votable matter. That is a proper discussion as a point of order, but if we go to the next step and act as if it were debatable and votable, and having no recollection of voting on one of these before, I am a little troubled.

I do not want to prevent honourable senators from intervening on the point of order, but I require some time to formulate a ruling on what I consider to be the point of order.

Senator Cools is anxious to take the floor.

Senator Cools: Honourable senators, the matter is relatively clear: Messages are debatable. That the Senate may have chosen not to debate them in the past means absolutely nothing. All that means is that senators have not chosen to exercise that right.

Honourable senators, we must also be mindful that many messages have come here from the House of Commons and have been referred to committee and studied in committee. To my mind that sort of examination means that it is in debate. It is very clear.

We must be mindful that the *Rules of in the Senate* do not speak to the business of the substance of the message. Rule 123(1) and (2) read as follows:

(1) The Clerk of the Senate shall arrange for the transmission of messages from the Senate to the House of Commons and for the reception by the Senate of messages from the House of Commons.

(2) Messages received from the House of Commons shall be read by the Speaker at the next opportunity.

It is a wide open question that obviously shows that the only role of the Clerk of the Senate is to act in a clerical way, which is to deliver the message. It also says that the task of the Speaker is to read the messages. As far as I am concerned, the task of the Speaker ends once he has done the reading job.

The question of the determination of the actual substance of the message is an entirely different matter. In an instance such as this, one cannot say that routinely, this is done in a certain way. There is nothing routine about this bill, and there is nothing routine about what has happened.

• (1820)

Some of us have been speaking so fervently on the grounds that the House of Commons should have been involved far earlier in the process, that we have a bounden duty as senators to examine carefully what this proposed message contains. We should express an opinion on it and vote on it, if necessary. It is pretty clear that the clerk acts in a clerical way.

Perhaps I have not been paying proper attention to these messages or perhaps the texts of the messages have changed, but for years and years I always thought that when the Speaker read the message, his words were: "That a message be sent to the House of Commons to acquaint that House with..." This particular message is somewhat different in that it states: "Ordered, That the Clerk do carry this Bill back to the House of Commons and acquaint that House that the Senate has divided the Bill into two Bills...."

Honourable senators, perhaps I never noticed it worded in this way before or it has never come to my attention before. I should pay a bit more attention to the way in which this chamber is writing these messages and their content within. It seems that one cannot nap for a moment — not even for a second.

It is crystal clear to me that the role of the Speaker in this place is different from the role of the Speaker in the House of Commons. In point of fact, this message is the Senate's message and the Senate, and senators as a whole, certainly have an interest in making their voices known and in expressing their opinions and their judgment on the actual wording of the message. It should be important that the message reflect the intentions and the wishes of the senators in content. This particular message has much more substance than a routine message would have.

Honourable senators, I submit that we should have a fulsome and rounded debate on this particular matter. Again and again throughout this entire debate, the issue of the relationship between the two Houses and whether agreement of the House

of Commons should have been solicited in advance of the decision to divide the bill has been raised.

Senator Robichaud: His Honour has ruled.

Senator Cools: It is an important, substantive issue that is before the Senate, and every senator here has the duty and the right to express an opinion on the substance, content and words contained in that message.

The Hon. the Speaker: I thank honourable senators for their input on what I am characterizing as a point of order on whether the message following the passage of a bill is a debatable, votable motion.

All honourable senators will appreciate that, never having done this before, I am a little troubled about ruling on my feet. I am aware that, having read the rulings of the Speaker of the Senate, of the Speaker of the House and of the proceedings that took place in 1988, that is, in fact, what happened. I am not certain if it happened with leave, but I should like an opportunity to look at the record and give a ruling at the first opportunity at tomorrow's sitting of the Senate.

In that respect, I have consulted with the Table and there is no particular problem with the message following third reading going a day late. There is also no particular problem with senators having complied with the order of this house to take and dispose of all matters with respect to third reading. That has been completed.

Senator Cools: Agreed. His Honour should take as much time as is needed.

[Translation]

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, if there were consent, we could let all the items on the Orders of the Day that were not discussed today stand until the next sitting of the Senate. They would be listed on the Order Paper in the same order. This would allow honourable senators to go to their respective committees. —

The Hon. the Speaker: Honourable senators, is it your pleasure to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Wednesday, December 4, 2002, at 1:30 p.m.

APPENDIX A

Canadian citizenship grants to immigrants from United States & United Kingdom, from 1997 to 2001

* The United Kingdom is a country comprised of England, Wales, Scotland and Northern Ireland. The statistics are based upon country of birth. Clients may identify United Kingdom as the country of birth.

		Canada	United States	England	Wales	Scotland	Northern Ireland	United Kingdom	* Total United Kingdom	Total United Kingdom & United States	Total Top Ten Source Countries
2001	Landed Immigrants	250,630	5,894	4,757	62	455	67	7	5,348	11,242	140,653
	% Canada	100%	2.35%	1.90%	0.02%	0.18%	0.03%	0.003%	2.13%	4.49%	56.12%
	Citizenship Grants	167,353	2,943	2,430	86	361	87	118	3,082	6,025	87,584
	% Canada	100%	1.76%	1.45%	0.05%	0.22%	0.05%	0.07%	1.84%	3.60%	52.33%
2000	Landed Immigrants	227,384	5,814	4,032	109	420	90	1	4,652	10,466	127,579
	% Canada	100%	2.56%	1.77%	0.05%	0.18%	0.04%	0.0004%	2.05%	4.60%	56.11%
	Citizenship Grants	214,568	3,784	3,055	99	510	108	102	3,874	7,658	116,515
	% Canada	100%	1.76%	1.42%	0.05%	0.24%	0.05%	0.05%	1.81%	3.57%	54.30%
1999	Landed Immigrants	189,967	5,528	3,909	94	395	65	15	4,478	10,006	102,059
	% Canada	100%	2.91%	2.06%	0.05%	0.21%	0.03%	0.01%	2.36%	5.27%	53.72%
	Citizenship Grants	158,753	2,683	2,257	77	415	85	88	2,922	5,605	83,165
	% Canada	100%	1.69%	1.42%	0.05%	0.26%	0.05%	0.06%	1.84%	3.53%	52.39%
1998	Landed Immigrants	174,196	4,764	3,399	93	318	85	4	3,899	8,663	90,239
	% Canada	100%	2.73%	1.95%	0.05%	0.18%	0.05%	0.002%	2.24%	4.97%	51.80%
	Citizenship Grants	134,485	2,269	1,767	53	341	1	104	2,266	4,535	76,022
	% Canada	100%	1.69%	1.31%	0.04%	0.25%	0.00%	0.08%	1.68%	3.37%	56.53%
1997	Landed Immigrants	216,050	5,043	4,020	122	445	63	7	4,657	9,700	122,520
	% Canada	100%	2.33%	1.86%	0.06%	0.21%	0.03%	0.003%	2.16%	4.49%	56.71%
	Citizenship Grants	154,624	2,744	1,871	65	338	63	574	2,911	5,655	85,338
	% Canada	100%	1.77%	1.21%	0.04%	0.22%	0.04%	0.37%	1.88%	3.66%	55.19%
Total 1997-2001	Landed Immigrants	1,058,227	27,043	20,117	480	2,033	370	34	23,034	50,077	583,050
	% Canada	100%	2.56%	1.90%	0.05%	0.19%	0.03%	0.003%	2.18%	4.73%	55.10%
	Citizenship Grants	829,783	14,423	11,380	380	1,965	344	986	15,055	29,478	448,624
	% Canada	100%	1.74%	1.37%	0.05%	0.24%	0.04%	0.12%	1.81%	3.55%	54.07%

Source of statistics - Citizenship: Client Registration System. Immigration: Information Management Data Warehouse Services

Canadian Citizenship Grants - Top Ten Source Countries, by Birth, from 1997 to 2001

2001			2000			1999		
	#	% Total		#	% Total		#	% Total
1 China, People's Republic of	17,406	10.4%	1 China, People's Republic of	22,775	10.6%	1 Hong Kong	18,694	11.8%
2 India	14,029	8.4%	2 Hong Kong	21,274	9.9%	2 China, People's Republic of	16,946	10.7%
3 Hong Kong	12,869	7.7%	3 India	18,681	8.7%	3 Philippines	11,486	7.2%
4 Philippines	9,485	5.7%	4 Philippines	14,024	6.5%	4 India	10,963	6.9%
5 Pakistan	8,610	5.1%	5 Taiwan	8,943	4.2%	5 Sri Lanka	6,211	3.9%
6 Taiwan	6,754	4.0%	6 Pakistan	8,073	3.8%	6 Taiwan	4,829	3.0%
7 Iran	6,322	3.8%	7 Sri Lanka	6,603	3.1%	7 Yugoslavia	4,792	3.0%
8 Sri Lanka	4,376	2.6%	8 Iran	6,495	3.0%	8 Vietnam	4,102	2.6%
9 Yugoslavia	3,733	2.2%	9 Yugoslavia	5,998	2.8%	9 Romania	3,792	2.4%
10 Russia	3,417	2.0%	10 Romania	4,546	2.1%	10 Bosnia-Herzegovina	3,752	2.4%
Total Top Ten	87,001	52.0%	Total Top Ten	117,412	54.7%	Total Top Ten	85,567	53.9%
Total Other Countries	80,352	48.0%	Total Other Countries	97,156	45.3%	Total Other Countries	73,196	46.1%
Total	167,353	100%	Total	214,568	100%	Total	158,763	100%

1998			1997			1997-2001		
	#	% Total		#	% Total		#	% Total
1 Hong Kong	18,338	13.6%	1 Hong Kong	18,668	12.1%	1 Hong Kong	89,843	10.8%
2 China, People's Republic of	14,140	10.5%	2 China, People's Republic of	14,225	9.2%	2 China, People's Republic of	85,492	10.3%
3 Philippines	11,071	8.2%	3 Philippines	12,695	8.2%	3 India	63,035	7.6%
4 India	8,570	6.4%	4 India	10,792	7.0%	4 Philippines	58,761	7.1%
5 Sri Lanka	6,050	4.5%	5 Vietnam	6,495	4.2%	5 Taiwan	29,810	3.6%
6 Vietnam	4,563	3.4%	6 Taiwan	4,898	3.2%	6 Sri Lanka	28,138	3.4%
7 Taiwan	4,386	3.3%	7 Sri Lanka	4,898	3.2%	7 Yugoslavia	21,636	2.6%
8 Poland	3,029	2.3%	8 Poland	4,822	3.1%	8 Pakistan	16,683	2.0%
9 Bosnia-Herzegovina	2,961	2.2%	9 Yugoslavia	4,199	2.7%	9 Vietnam	15,160	1.8%
10 Yugoslavia	2,914	2.2%	10 Lebanon	3,646	2.4%	10 Iran	12,817	1.5%
Total Top Ten	76,022	56.5%	Total Top Ten	85,338	55.2%	Total Top Ten	421,375	50.8%
Total Other Countries	58,463	43.5%	Total Other Countries	69,286	44.8%	Total Other Countries	408,408	49.2%
Total	134,485	100.0%	Total	154,624	100.0%	Total	829,783	100.0%

Source of statistics: Client Registration System.

Permanent Residents, Top Ten Source Countries by Birth, from 1997 to 2001

2001			2000			1999		
	#	% Total		#	% Total		#	% Total
1 China, People's Republic of	42,333	16.9%	1 China, People's Republic of	38,865	17.1%	1 China, People's Republic of	31,079	16.4%
2 India	30,912	12.3%	2 India	28,191	12.4%	2 India	18,843	9.9%
3 Pakistan	16,042	6.4%	3 Pakistan	14,868	6.5%	3 Pakistan	9,587	5.0%
4 Philippines	13,628	5.4%	4 Philippines	10,633	4.7%	4 Philippines	9,536	5.0%
5 Korea, Republic of	9,544	3.8%	5 Korea, Republic of	7,612	3.3%	5 Korea, Republic of	7,209	3.8%
6 Iran	6,165	2.5%	6 Sri Lanka	6,063	2.7%	6 Iran	6,202	3.3%
7 Sri Lanka	5,847	2.3%	7 Iran	5,916	2.6%	7 Taiwan	5,327	2.8%
8 Romania	5,714	2.3%	8 Yugoslavia	5,423	2.4%	8 Sri Lanka	4,933	2.6%
9 United States	5,273	2.1%	9 United States	5,138	2.3%	9 United States	4,914	2.6%
10 Russia	5,195	2.1%	10 Russia	4,870	2.1%	10 Russia	4,429	2.3%
Total Top Ten	140,653	56.1%	Total Top Ten	127,579	56.1%	Total Top Ten	102,059	53.7%
Total Other Countries	109,977	43.9%	Total Other Countries	99,805	43.9%	Total Other Countries	87,908	46.3%
Total	250,630	100%	Total	227,384	100%	Total	189,967	100%

1998			1997			1997-2001		
	#	% Total		#	% Total		#	% Total
1 China, People's Republic of	22,815	13.1%	1 China, People's Republic of	24,752	11.5%	1 China, People's Republic of	159,844	15.1%
2 India	16,990	9.8%	2 India	21,719	10.1%	2 India	116,655	11.0%
3 Philippines	8,632	5.0%	3 Hong Kong	17,768	8.2%	3 Pakistan	61,117	5.8%
4 Pakistan	8,442	4.8%	4 Taiwan	12,778	5.9%	4 Philippines	53,842	5.1%
5 Iran	7,006	4.0%	5 Pakistan	12,178	5.6%	5 Iran	33,180	3.1%
6 Taiwan	6,991	4.0%	6 Philippines	11,413	5.3%	6 Korea, Republic of	29,320	2.8%
7 Hong Kong	5,434	3.1%	7 Iran	7,891	3.7%	7 Taiwan	25,096	2.4%
8 Korea, Republic of	4,955	2.8%	8 Sri Lanka	5,346	2.5%	8 United States	23,897	2.3%
9 Russia	4,807	2.8%	9 United States	4,405	2.0%	9 Russia	23,571	2.2%
10 United States	4,167	2.4%	10 Russia	4,270	2.0%	10 Hong Kong	23,202	2.2%
Total Top Ten	90,239	51.8%	Total Top Ten	122,520	56.7%	Total Top Ten	549,724	51.9%
Total Other Countries	83,957	48.2%	Total Other Countries	93,530	43.3%	Total Other Countries	508,503	48.1%
Total	174,196	100.0%	Total	216,050	100.0%	Total	1,058,227	100.0%

Source of statistics: Information Management Data Warehouse Services

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

The Honourable Daniel P. Hays

THE LEADER OF THE GOVERNMENT

The Honourable Sharon Carstairs, P.C.

THE LEADER OF THE OPPOSITION

The Honourable John Lynch-Staunton

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Paul Bélisle

DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES

Gary O'Brien

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Blair Armitage (Act.)

THE MINISTRY

According to Precedence

(December 3, 2002)

The Right Hon. Jean Chrétien	Prime Minister
The Hon. David M. Collenette	Minister of Transport
The Hon. David Anderson	Minister of the Environment
The Hon. Ralph E. Goodale	Minister of Public Works and Government Services Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians
The Hon. Sheila Copps	Minister of Canadian Heritage
The Hon. John Manley	Deputy Prime Minister, Minister of Finance and Minister of Infrastructure
The Hon. Anne McLellan	Minister of Health
The Hon. Allan Rock	Minister of Industry
The Hon. Lucienne Robillard	President of the Treasury Board
The Hon. Martin Cauchon	Minister of Justice and Attorney General of Canada
The Hon. Jane Stewart	Minister of Human Resources Development
The Hon. Stéphane Dion	President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs
The Hon. Pierre Pettigrew	Minister of International Trade
The Hon. Don Boudria	Leader of the Government in the House of Commons
The Hon. Lyle Vancilief	Minister of Agriculture and Agri-Food
The Hon. Herb Dhaliwal	Minister of Natural Resources
The Hon. Claudette Bradshaw	Minister of Labour
The Hon. Robert Daniel Nault	Minister of Indian Affairs and Northern Development
The Hon. Elinor Caplan	Minister for National Revenue
The Hon. Denis Coderre	Minister of Citizenship and Immigration
The Hon. Sharon Carstairs	Leader of the Government in the Senate
The Hon. Robert G. Thibault	Minister of Fisheries and Oceans
The Hon. Rey Pagtakhan	Minister of Veterans Affairs and Secretary of State (Science, Research and Development)
The Hon. Susan Whelan	Minister for International Cooperation
The Hon. William Graham	Minister of Foreign Affairs
The Hon. Gerry Byrne	Minister of State (Atlantic Canada Opportunities Agency)
The Hon. John McCallum	Minister of National Defence
The Hon. Wayne Easter	Solicitor General of Canada
The Hon. Ethel Blondin-Andrew	Secretary of State (Children and Youth)
The Hon. David Kilgour	Secretary of State (Asia-Pacific)
The Hon. Andrew Mitchell	Secretary of State (Rural Development) (Federal Economic Development Initiative for Northern Ontario)
The Hon. Maurizio Bevilacqua	Secretary of State (International Financial Institutions)
The Hon. Paul DeVillers	Secretary of State (Amateur Sport) and Deputy Leader of the Government in the House of Commons
The Hon. Gar Knutson	Secretary of State (Central and Eastern Europe— and Middle East)
The Hon. Denis Paradis	Secretary of State (Latin America and Africa) (Francophonie)
The Hon. Claude Drouin	Secretary of State (Economic Development Agency of Canada for the Regions of Quebec)
The Hon. Stephen Owen	Secretary of State (Western Economic Diversification) (Indian Affairs and Northern Development)
The Hon. Jean Augustine	Secretary of State (Multiculturalism)(Status of Women)

SENATORS OF CANADA

ACCORDING TO SENIORITY

(December 3, 2002)

Senator	Designation	Post Office Address
THE HONOURABLE		
Herbert O. Sparrow	Saskatchewan	North Battleford, Sask.
Edward M. Lawson	Vancouver	Vancouver, B.C.
Bernard Alasdair Graham, P.C.	The Highlands	Sydney, N.S.
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
C. William Doody	Harbour Main-Bell Island	St. John's, Nfld.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
E. Leo Kolber	Victoria	Westmount, Que.
Michael Kirby	South Shore	Halifax, N.S.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto-Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Daniel Phillip Hays, <i>Speaker</i>	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Brenda Mary Robertson	Riverview	Shediac, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland and Labrador	Port-au-Port, Nfld.
Eileen Rossiter	Prince Edward Island	Charlottetown, P.E.I.
Mira Spivak	Manitoba	Winnipeg, Man.
Roch Bolduc	Gulf	Sainte-Foy, Que.
Gérald-A. Beaudoin	Rigaud	Hull, Que.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Church Point, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton, N.B.
John Buchanan, P.C.	Nova Scotia	Halifax, N.S.
John Lynch-Staunton	Grandville	Georgeville, Que.
James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie, Ont.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth, N.S.
Janis G. Johnson	Winnipeg-Interlake	Gimli, Man.
A. Raynell Andreychuk	Regina	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.

Senator	Designation	Post Office Address
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs, P.C.	Manitoba	Victoria Beach, Man.
Landon Pearson	Ontario	Ottawa, Ont.
Jean-Robert Gauthier	Ottawa-Vanier	Ottawa, Ont.
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	Labrador	North West River, Labrador, Nfld.
Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Shirley Maheu	Rougemont	Saint-Laurent, Que.
Wilfred P. Moore	Stanhope St./Bluenose	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Marisa Ferretti Barth	Repentigny	Pierrefonds, Que.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Thelma J. Chalifoux	Alberta	Morinville, Alta.
Joan Cook	Newfoundland and Labrador	St. John's, Nfld.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
Francis William Mahovlich	Toronto	Toronto, Ont.
Richard H. Kroft	Manitoba	Winnipeg, Man.
Douglas James Roche	Edmonton	Edmonton, Alta.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
Ione Christensen	Yukon Territory	Whitehorse, Y.T.
George Furey	Newfoundland and Labrador	St. John's, Nfld.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Isobel Finnerty	Ontario	Burlington, Ont.
John Wiebe	Saskatchewan	Swift Current, Sask.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Raymond C. Setlakwe	The Laurentides	Thetford Mines, Que.
Yves Morin	Lauzon	Quebec, Que.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Laurier L. LaPierre	Ontario	Ottawa, Ont.
Viola Léger	New Brunswick	Moncton, N.B.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Jean Lapointe	Saurel	Magog, Que.
Gerard A. Phalen	Nova Scotia	Glace Bay, N.S.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
Michel Biron	Mille Isles	Nicolet, Que.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld.
Raymond Lavigne	Montarville	Verdun, Que.
David P. Smith, P.C.	Cobourg	Toronto, Ont.

SENATORS OF CANADA

ALPHABETICAL LIST

(December 3, 2002)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Lib
Andreychuk, A. Raynell	Regina	Regina, Sask.	PC
Angus, W. David	Alma	Montreal, Que.	PC
Atkins, Norman K.	Markham	Toronto, Ont.	PC
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Lib
Bacon, Lise	De la Durantaye	Laval, Que.	Lib
Baker, George S., P.C.	Newfoundland and Labrador	Gander Nfld.	Lib
Banks, Tommy	Alberta	Edmonton, Alta.	Lib
Beaudoin, Gérald-A.	Rigaud	Hull, Que.	PC
Biron, Michel	Mille Isles	Nicolet, Que.	Lib
Bolduc, Roch	Gulf	Sainte-Foy, Que.	PC
Bryden, John G.	New Brunswick	Bayfield, N.B.	Lib
Buchanan, John, P.C.	Halifax	Halifax, N.S.	PC
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Lib
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	PC
Carstairs, Sharon, P.C.	Manitoba	Victoria Beach, Man.	Lib
Chalifoux, Thelma J.	Alberta	Morinville, Alta.	Lib
Christensen, Ione	Yukon Territory	Whitehorse, Y.T.	Lib
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld.	PC
Comeau, Gerald J.	Nova Scotia	Church Point, N.S.	PC
Cook, Joan	Newfoundland and Labrador	St. John's, Nfld.	Lib
Cools, Anne C.	Toronto-Centre-York	Toronto, Ont.	Lib
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Lib
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Lib
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Lib
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Lib
Di Nino, Consiglio	Ontario	Downsview, Ont.	PC
Dood, C. William	Harbour Main-Bell Island	St. John's, Nfld.	PC
Eyton, J. Trevor	Ontario	Caledon, Ont.	PC
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Lib
Ferretti Barth, Marisa	Repentigny	Pierrefonds, Que.	Lib
Finnerty, Isobel	Ontario	Burlington, Ont.	Lib
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Lib
Forrestall, J. Michael	Dartmouth and the Eastern Shore	Dartmouth, N.S.	PC
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Lib
Furey, George	Newfoundland and Labrador	St. John's, Nfld.	Lib
Gauthier, Jean-Robert	Ottawa-Vanier	Ottawa, Ont.	Lib
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Lib
Grafstein, Jeremiah S.	Metro Toronto	Toronto, Ont.	Lib
Graham, Bernard Alasdair, P.C.	The Highlands	Sydney, N.S.	Lib
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	PC
Hays, Daniel Phillip, <i>Speaker</i>	Calgary	Calgary, Alta.	Lib
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Lib
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Lib
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Lib

Senator	Designation	Post Office Address	Political Affiliation
Johnson, Janis G.	Winnipeg-Interlake	Gimli, Man.	PC
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Lib
Kelleher, James Francis, P.C.	Ontario	Sault Ste. Marie, Ont.	PC
Kenny, Colin	Rideau	Ottawa, Ont.	Lib
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	PC
Kinsella, Noël A.	Fredericton-York-Sunbury	Fredericton, N.B.	PC
Kirby, Michael	South Shore	Halifax, N.S.	Lib
Kolber, E. Leo	Victoria	Westmount, Que.	Lib
Kroft, Richard H.	Manitoba	Winnipeg, Man.	Lib
LaPierre, Laurier L.	Ontario	Ottawa, Ont.	Lib
Lapointe, Jean	Saurel	Magog, Que.	Lib
Lavigne, Raymond	Montarville	Verdun, Que.	Lib
Lawson, Edward M.	Vancouver	Vancouver, B.C.	Ind
LeBreton, Marjory	Ontario	Manotick, Ont.	PC
Léger, Viola	New Brunswick	Moncton, N.B.	Lib
Losier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Lib
Lynch-Staunton, John	Grandville	Georgeville, Que.	PC
Maheu, Shirley	Rougemont	Saint-Laurent, Que.	Lib
Mahovlich, Francis William	Toronto	Toronto, Ont.	Lib
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	PC
Milne, Lorna	Peel County	Brampton, Ont.	Lib
Moore, Wilfred P.	Stanhope St./Bluenose	Chester, N.S.	Lib
Morin, Yves	Lauzon	Quebec, Que.	Lib
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	PC
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	PC
Oliver, Donald H.	Nova Scotia	Halifax, N.S.	PC
Pearson, Landon	Ontario	Ottawa, Ontario	Lib
Pépin, Lucie	Shawinigan	Montreal, Que.	Lib
Phalen, Gerard A.	Nova Scotia	Glace Bay, N.S.	Lib
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Ind
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Lib
Poy, Vivienne	Toronto	Toronto, Ont.	Lib
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Ind
Rivest, Jean-Claude	Stadacona	Quebec, Que.	PC
Robertson, Brenda Mary	Riverview	Shediac, N.B.	PC
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Lib
Roche, Douglas James	Edmonton	Edmonton, Alta.	Ind
Rompkey, William H., P.C.	Labrador	North West River, Labrador, Nfld.	Lib
Rossiter, Eileen	Prince Edward Island	Charlottetown, P.E.I.	PC
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	CA
Setlakwe, Raymond C.	The Laurentides	Thetford Mines, Que.	Lib
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Lib
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Lib
Sparrow, Herbert O.	Saskatchewan	North Battleford, Sask.	Lib
Spivak, Mira	Manitoba	Winnipeg, Man.	PC
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Lib
Stratton, Terrance R.	Red River	St. Norbert, Man.	PC
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	PC
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Lib
Wiebe, John.	Saskatchewan	Swift Current, Sask.	Lib

SENATORS OF CANADA
BY PROVINCE AND TERRITORY
 (December 3, 2002)

ONTARIO—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Lowell Murray, P.C.	Pakenham	Ottawa
2 Peter Alan Stollery	Bloor and Yonge	Toronto
3 Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4 Jerahmiel S. Grafstein	Metro Toronto	Toronto
5 Anne C. Cools	Toronto-Centre-York	Toronto
6 Colin Kenny	Rideau	Ottawa
7 Norman K. Atkins	Markham	Toronto
8 Consiglio Di Nino	Ontario	Downsview
9 James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie
10 John Trevor Eyton	Ontario	Caledon
11 Wilbert Joseph Keon	Ottawa	Ottawa
12 Michael Arthur Meighen	St. Marys	Toronto
13 Marjory LeBreton	Ontario	Manotick
14 Landon Pearson	Ontario	Ottawa
15 Jean-Robert Gauthier	Ottawa-Vanier	Ottawa
16 Lorna Milne	Peel County	Brampton
17 Marie-P. Poulin	Northern Ontario	Ottawa
18 Francis William Mahovlich	Toronto	Toronto
19 Vivienne Poy	Toronto	Toronto
20 Isobel Finnerty	Ontario	Burlington
21 Laurier L. LaPierre	Ontario	Ottawa
22 David P. Smith, P.C.	Cobourg	Toronto
23		
24		

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 E. Leo Kolber	Victoria	Westmount
2 Charlie Watt	Inkerman	Kuujuaq
3 Pierre De Bané, P.C.	De la Vallière	Montreal
4 Roch Bolduc	Gulf	Sainte-Foy
5 Gérald-A. Beaudoin	Rigaud	Hull
6 John Lynch-Staunton	Grandville	Georgeville
7 Jean-Claude Rivest	Stadacona	Quebec
8 Marcel Prud'homme, P.C.	La Salle	Montreal
9 W. David Angus	Alma	Montreal
10 Pierre Claude Nolin	De Salaberry	Quebec
11 Lise Bacon	De la Durantaye	Laval
12 Céline Hervieux-Payette, P.C.	Bedford	Montreal
13 Shirley Maheu	Rougemont	Ville de Saint-Laurent
14 Lucie Pépin	Shawinigan	Montreal
15 Marisa Ferretti Barth	Repentigny	Pierrefonds
16 Serge Joyal, P.C.	Kennebec	Montreal
17 Joan Thorne Fraser	De Lorimier	Montreal
18 Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
19 Raymond C. Setlakwe	The Laurentides	Thetford Mines
20 Yves Morin	Lauzon	Quebec
21 Jean Lapointe	Sauvel	Magog
22 Michel Biron	Milles Isles	Nicolet
23 Raymond Lavigne	Montarville	Verdun
24		

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Bernard Alasdair Graham, P.C.	The Highlands	Sydney
2 Michael Kirby	South Shore	Halifax
3 Gerald J. Comeau	Nova Scotia	Church Point
4 Donald H. Oliver	Nova Scotia	Halifax
5 John Buchanan, P.C.	Halifax	Halifax
6 J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth
7 Wilfred P. Moore	Stanhope St./Bluenose	Chester
8 Jane Cordy	Nova Scotia	Dartmouth
9 Gerard A. Phalen	Nova Scotia	Glace Bay
10		

NEW BRUNSWICK—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Eymard Georges Corbin	Grand-Sault	Grand-Sault
2 Brenda Mary Robertson	Riverview	Shediac
3 Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton
4 John G. Bryden	New Brunswick	Bayfield
5 Rose-Marie Losier-Cool	Tracadie	Bathurst
6 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
7 Viola Léger	New Brunswick	Moncton
8 Joseph A. Day	Saint John-Kennebecasis	Hampton
9		
10		

PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Eileen Rossiter	Prince Edward Island	Charlottetown
2 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
3 Elizabeth M. Hubley	Prince Edward Island	Kensington
4		

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Mira Spivak	Manitoba	Winnipeg
2 Janis G. Johnson	Winnipeg-Interlake	Gimli
3 Terrance R. Stratton	Red River	St. Norbert
4 Sharon Carstairs, P.C.	Manitoba	Victoria Beach
5 Richard H. Kroft	Manitoba	Winnipeg
6 .....	.....	.....

BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Edward M. Lawson	Vancouver	Vancouver
2 Jack Austin, P.C.	Vancouver South	Vancouver
3 Pat Carney, P.C.	British Columbia	Vancouver
4 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
5 Ross Fitzpatrick	Okanagan-Similkameen	Kelowna
6 Mobina S.B. Jaffer	British Columbia	North Vancouver

SASKATCHEWAN—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Herbert O. Sparrow	Saskatchewan	North Battleford
2 A. Raynell Andreychuk	Regina	Regina
3 Leonard J. Gustafson	Saskatchewan	Macoun
4 David Tkachuk	Saskatchewan	Saskatoon
5 John Wiebe	Saskatchewan	Swift Current
6 .....	.....	.....

ALBERTA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Daniel Phillip Hays, <i>Speaker</i>	Calgary	Calgary
2 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
3 Thelma J. Chalifoux	Alberta	Morinville
4 Douglas James Roche	Edmonton	Edmonton
5 Tommy Banks	Alberta	Edmonton
6 .....	.....	.....

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 C. William Doody	Harbour Main-Bell Island	St. John's
2 Ethel Cochrane	Newfoundland and Labrador	Port-au-Port
3 William H. Rompkey, P.C.	Labrador	North West River, Labrador
4 Joan Cook	Newfoundland and Labrador	St. John's
5 George Furey	Newfoundland and Labrador	St. John's
6 George S. Baker, P.C.	Newfoundland and Labrador	Gander

NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Willie Adams	Nunavut	Rankin Inlet

YUKON TERRITORY—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Ione Christensen	Yukon Territory	Whitehorse

ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of December 3, 2002)

*Ex Officio Member

ABORIGINAL PEOPLES

Chair: Honourable Senator Chalifoux

Deputy Chair: Honourable Senator Robertson

Honourable Senators:

Carney,	Christensen,	* Lynch-Staunton,	Sibbeston,
Carstairs,	Gill,	(or Kinsella)	St. Germain,
(or Robichaud)	Hubley,	Pearson,	Stratton,
Chalifoux,	Leger,	Robertson	Tkachuk.

Original Members as nominated by the Committee of Selection

Carney, *Carstairs (or Robichaud), Chalifoux, Christensen, Gill, Hubley, Johnson, Léger, *Lynch-Staunton (or Kinsella), Pearson, Sibbeston, St. Germain, Tkachuk.

AGRICULTURE AND FORESTRY

Chair: Honourable Senator Oliver

Deputy Chair: Honourable Senator Wiebe

Honourable Senators:

Carstairs,	Fairbairn,	LeBreton,	Oliver,
(or Robichaud)	Gustafson,	* Lynch-Staunton,	Tkachuk,
Chalifoux,	Hubley,	(or Kinsella)	Wiebe.
Day,	LaPierre,	Moore,	

Original Members as nominated by the Committee of Selection

*Carstairs (or Robichaud), Chalifoux, Day, Fairbairn, Gustafson, Hubley, LaPierre, Lapointe, LeBreton, *Lynch-Staunton (or Kinsella), Moore, Oliver, Tkachuk, Wiebe.

BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Kolber

Deputy Chair: Honourable Senator Tkachuk

Honourable Senators:

* Angus,	Hervieux-Payette,	* Lynch-Staunton,	Prud'homme,
Carstairs,	Kelleher,	(or Kinsella)	Setlakwe,
(or Robichaud)	Kolber,	Meighen,	Tkachuk.
Fitzpatrick,	Kroft,	Poulin,	

Original Members as nominated by the Committee of Selection

Angus, *Carstairs (or Robichaud), Fitzpatrick, Hervieux-Payette, Kelleher, Kolber, Kroft, *Lynch-Staunton (or Kinsella), Meighen, Poulin, Prud'homme, Setlakwe, Taylor, Tkachuk.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

Chair: Honourable Senator Banks

Deputy Chair: Honourable Senator Spivak

Honourable Senators:

Baker,	Christensen,	Kenny,	Milne,
Banks,	Cochrane,	* Lynch-Staunton,	Spivak,
Buchanan,	Eyton,	(or Kinsella)	Watt.
* Carstairs,	Finnerty,		
(or Robichaud)			

Original Members as nominated by the Committee of Selection

*Baker, Banks, Buchanan, *Carstairs (or Robichaud), Christensen, Cochrane, Eyton, Finnerty, Kenny, *Lynch-Staunton (or Kinsella), Milne, Spivak, Taylor, Watt.*

FISHERIES

Chair: Honourable Senator Comeau

Deputy Chair: Honourable Senator Cook

Honourable Senators:

Adams,	Cochrane,	Johnson,	Meighen,
Baker,	Comeau,	* Lynch-Staunton,	Moore,
* Carstairs,	Cook,	(or Kinsella)	Phalen,
(or Robichaud)	Hubley,	Mahovlich,	Watt.

Original Members as nominated by the Committee of Selection

*Adams, Baker, *Carstairs (or Robichaud), Cochrane, Comeau, Cook, Hubley, Johnson, *Lynch-Staunton (or Kinsella), Mahovlich, Moore, Phalen, Robertson, Watt*

FOREIGN AFFAIRS

Chair: Honourable Senator Stollery

Deputy Chair: Honourable Senator Di Nino

Honourable Senators:

Andreychuk,	* Carstairs,	Di Nino,	* Lynch-Staunton,
Austin,	(or Robichaud)	Grafstein,	(or Kinsella)
Bolduc,	Corbin,	Graham,	Setlakwe,
Carney,	De Bané,	Losier-Cool,	Stollery.

Original Members as nominated by the Committee of Selection

*Andreychuk, Austin, Bolduc, Carney, *Carstairs (or Robichaud), Corbin, De Bané, Di Nino, Grafstein, Graham, Losier-Cool, *Lynch-Staunton (or Kinsella), Setlakwe, Stollery.*

HUMAN RIGHTS

Chair: Honourable Senator Maheu

Deputy Chair: Honourable Senator Rossiter

Honourable Senators:

Beaudoin,	Fraser,	* Lynch-Staunton,	Poy,
Carstairs,	Jaffer,	(or Kinsella)	Rivest,
(or Robichaud)	LaPierre,	Maheu,	Rossiter.
Ferretti Barth,			

Original Members as nominated by the Committee of Selection

*Beaudoin, *Carstairs (or Robichaud), Ferretti Barth, Fraser, Jaffer, LaPierre,
Lynch-Staunton (or Kinsella), Maheu, Poy, Rivest, Rossiter.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair: Honourable Senator Bacon

Deputy Chair: Honourable Senator Atkins

Honourable Senators:

Angus,	Bryden,	Gauthier,	* Lynch-Staunton,
Atkins,	* Carstairs,	Gill,	(or Kinsella)
Austin,	(or Robichaud)	Jaffer,	Poulin,
Bacon,	De Bané,	Kroft,	Robichaud,
Bolduc,	Eyton,		Stratton.

Original Members as nominated by the Committee of Selection

*Angus, Atkins, Austin, *Carstairs (or Robichaud), Bacon, Bryden, De Bané, Doody, Eyton, Gauthier,
Gill, Jaffer, Kroft, *Lynch-Staunton (or Kinsella), Poulin, Robichaud, Stratton.*

LEGAL AND CONSTITUTIONAL AFFAIRS

Chair: Honourable Senator Furey

Deputy Chair: Honourable Senator Beaudoin

Honourable Senators:

Andreychuk,	* Carstairs,	Jaffer,	Nolin,
Baker,	(or Robichaud)	Joyal,	Pearson,
Beaudoin,	Cools,	* Lynch-Staunton,	Smith,
Bryden,	Furey,	(or Kinsella)	Stratton.

Original Members as nominated by the Committee of Selection

*Andreychuk, Baker, Beaudoin, Bryden, Buchanan, *Carstairs (or Robichaud), Cools, Furey,
Jaffer, Joyal, *Lynch-Staunton (or Kinsella), Nolin, Pearson, Smith.*

LIBRARY OF PARLIAMENT (Joint)

Joint Chair:

Vice-Chair:

Honourable Senators:

Bolduc,	Lapointe,	Morin,	Poy.
Forrestall,			

Original Members agreed to by Motion of the Senate
Bolduc, Forrestall, Lapointe, Morin, Poy.

NATIONAL FINANCE

Chair: Honourable Senator Murray

Deputy Chair: Honourable Senator Day

Honourable Senators:

Biron,	Comeau,	Ferretti Barth,	* Lynch-Staunton,
Bolduc,	Cools,	Finnerty,	(or Kinsella)
* Carstairs,	Day,	Furey,	Mahovich,
(or Robichaud)	Doody,	Gauthier,	Murray.

Original Members as nominated by the Committee of Selection
*Biron, Bolduc, *Carstairs (or Robichaud), Cools, Day, Doody, Eyton, Ferretti Barth, Finnerty,*
*Furey, Gauthier, *Lynch-Staunton (or Kinsella), Mahovich, Murray.*

NATIONAL SECURITY AND DEFENCE

Chair: Honourable Senator Kenny

Deputy Chair: Honourable Senator Forrestall

Honourable Senators:

Atkins,	Cordy,	Kenny,	Meighen,
Banks,	Day,	* Lynch-Staunton,	Smith,
* Carstairs,	Forrestall,	(or Kinsella)	Wiebe.
(or Robichaud)			

Original Members as nominated by the Committee of Selection
*Atkins, Banks, *Carstairs (or Robichaud), Cordy, Day, Forrestall, Kenny,*
**Lynch-Staunton (or Kinsella), Meighen, Smith, Wiebe.*

VETERANS AFFAIRS

(Subcommittee of National Security and Defence)

Chair: Honourable Senator Meighen

Deputy Chair: Honourable Senator Day

Honourable Senators:

Atkins,	Day,	* Lynch-Staunton,	Meighen,
Carstairs,	Kenny,	(or Kinsella)	Wiebe.
(or Robichaud)			

OFFICIAL LANGUAGES

Chair: Honourable Senator Losier-Cool

Deputy Chair: Honourable Senator Keon

Honourable Senators:

Beaudoin,	Comeau,	Lapointe,	* Lynch-Staunton,
Carstairs,	Gauthier,	Léger,	(or Kinsella)
(or Robichaud)	Keon,	Losier-Cool,	Maheu.

Original Members agreed to by Motion of the Senate

*Beaudoin, *Carstairs (or Robichaud), Comeau, Ferretti Barth, Gauthier, Keon, Lapointe, Léger, Losier-Cool, *Lynch-Staunton (or Kinsella), Maheu.*

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

Chair: Honourable Senator Milne

Deputy Chair: Honourable Senator Andreychuk

Honourable Senators:

Andreychuk,	Grafstein,	Murray,	Rompkey,
Bacon,	Joyal,	Pépin,	Smith,
* Carstairs,	* Lynch-Staunton,	Pitfield,	Stratton,
(or Robichaud)	(or Kinsella)	Robertson,	Wiebe.
Di Nino,	Milne,		

Original Members as nominated by the Committee of Selection

*Andreychuk, Bacon, *Carstairs (or Robichaud), Di Nino, Grafstein, Joyal, Losier-Cool, *Lynch-Staunton (or Kinsella), Milne, Murray, Pépin, Pitfield, Robertson, Rompkey, Smith, Stratton, Wiebe.*

SCRUTINY OF REGULATIONS (Joint)

Joint Chair: Honourable Senator Hervieux-Payette

Vice-Chair:

Honourable Senators:

Biron,	Hubley,	Moore,	Phalen.
Hervieux-Payette,	Kelleher,	Nolin,	

Original Members as agreed to by Motion of the Senate
Biron, Hervieux-Payette, Hubley, Kelleher, Moore, Nolin, Phalen.

SELECTION

Chair: Honourable Senator Rompkey

Deputy Chair: Honourable Senator Stratton

Honourable Senators:

Bacon,	De Bané,	Kolber,	Rompkey,
* Carstairs,	Fairbairn,	LeBreton,	Stratton,
(or Robichaud)	Kinsella,	* Lynch-Staunton,	Tkachuk.
		(or Kinsella)	

Original Members agreed to by Motion of the Senate
*Bacon, *Carstairs, (or Robichaud), De Bané, Fairbairn, Kinsella,*
*Kolber, LeBreton, *Lynch-Staunton, (or Kinsella), Rompkey, Stratton, Tkachuk.*

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

Chair: Honourable Senator Kirby

Deputy Chair: Honourable Senator LeBreton

Honourable Senators:

Callbeck,	Cordy,	Kinsella,	* Lynch-Staunton,
* Carstairs,	Di Nino,	Kirby,	(or Kinsella)
(or Robichaud)	Fairbairn,	LeBreton,	Morin,
Cook,	Keon,	Léger,	Roche.

Original Members as nominated by the Committee of Selection
*Callbeck *Carstairs (or Robichaud), Cook, Cordy, Di Nino Fairbairn, Keon, Kirby, LeBreton,*
**Lynch-Staunton (or Kinsella), Morin, Pépin, Robertson, Roche.*

TRANSPORT AND COMMUNICATIONS

Chair: Honourable Senator Fraser

Deputy Chair: Honourable Senator Gustafson

Honourable Senators:

Adams,
Biron,
Callbeck,
Carstairs,
(or Robichaud)

Day,
Eyton,
Fraser,

Graham,
Gustafson,
Johnson,
LaPierre,

* Lynch-Staunton,
(or Kinsella)
Phalen,
Spivak.

Original Members as nominated by the Committee of Selection

*Adams, Biron, Callbeck, *Carstairs (or Robichaud), Day, Eyton, Fraser,
Graham, Gustafson, Johnson, LaPierre, *Lynch-Staunton (or Kinsella), Phalen, Spivak.*

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2nd SESSION

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OFFICIAL REPORT
(HANSARD)

Wednesday, December 4, 2002

—◆—

THE HONOURABLE DAN HAYS
ACTING SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Wednesday, December 4, 2002

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

SENATOR'S STATEMENT

NATIONAL DEFENCE

STRATEGIC LOCATION OF MILITARY UNITS TO DEAL WITH TERRORIST ATTACKS

Hon. Gerard A. Phalen: Honourable senators, recently the Vancouver newspaper *The Province* published a list of Canadian sites vulnerable to terrorist attacks. Three of the top 22 sites are located in Atlantic Canada: CFB Greenwood in Nova Scotia, the Confederation Bridge linking P.E.I. to New Brunswick, and Point Lepreau nuclear facility in New Brunswick. Because of this, and together with the events of September 11, 2001, which saw most airborne aircraft diverted to airports in Atlantic Canada, I should like to draw some important and relevant concerns to the attention of all honourable senators.

In an article in the St. John's, Newfoundland, newspaper *The Telegram*, on September 17, 2002, Brian Canning wrote that the Minister of Transport, David Collenette, "...speculated on national television that Eastern Canada's sparse urban population made it the best place for terrorists to crash-land, risking fewer lives than in Toronto or Montreal."

According to the Minister of National Defence, in his testimony on October 4, 2001, before the House of Commons Standing Committee on National Defence and Veterans Affairs, "...the Canadian Forces have a highly trained tactical unit called JTF2, or Joint Task Force 2, which is a counterterrorism unit in the Canadian Forces. JTF2 is ready to respond to terrorist instances in various situations where Canadians and Canadian interests are threatened." Most information regarding JTF2 is confidential, but I understand that they are located in the Ottawa area. If aircraft are to be diverted to Eastern Canada airports in the event of further emergencies, would it not be practical, and indeed make sense, to have JTF2 units located at military bases in these areas?

The same question should be raised concerning other units in the military. For example, the minister spoke at the above-mentioned hearings about the Nuclear, Biological and Chemical Response Team. According to John Thompson of the Mackenzie Institute, in a Canadian Press article on September 20, 2001, "...the only personnel now assigned to deal with biological and chemical attacks are located at Camp Borden in Southern Ontario." Kevin O'Brien, a senior policy analyst with RAND Europe, an international think-tank dealing with defence and security, said, in the same article, that a lack of training and supplies for emergency personnel, an unprepared military and a false sense of international security could make Canada particularly vulnerable to chemical and biological weapons.

The Minister of National Defence, again in the above-mentioned testimony, spoke about the Canadian Forces Disaster Assistance Response Team, or DART, which, on September 11, was assembled in Trenton. The minister pointed out that within hours the DART team was ferrying supplies to Atlantic Canada. It would seem more logical, if Atlantic Canada is to be the landing site for such aircraft, that a unit of DART be stationed there also. Flying time alone from Trenton is 3.5 hours.

If Atlantic Canada is to provide landing sites, we should also be casting —

Hon. Elizabeth Hubley (The Hon. the Acting Speaker): Honourable senators, I wish to advise the honourable senator that the time for his statement has expired. Does he wish to ask leave to continue?

Some Hon. Senators: No leave.

• (1340)

ROUTINE PROCEEDINGS

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

SIXTH REPORT OF COMMITTEE PRESENTED

Hon. Lorna Milne, Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Wednesday, December 4, 2002

The Standing Committee on Rules, Procedures and the Rights of Parliament has the honour to present its

SIXTH REPORT

Pursuant to its order of reference from the Senate dated November 5, 2002, your Committee is pleased to report as follows:

Your Committee recommends that rule 86(1)(o) of the Senate be amended to read:

"The Senate Committee on Fisheries and Oceans, composed of twelve members, four of whom shall constitute a quorum, to which shall be referred, on order of the Senate, bills, messages, petitions, inquiries, papers and other matters relating to fisheries and oceans generally."

Respectfully submitted,

LORNA MILNE
Chair

The Hon. the Acting Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Milne, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

THE ESTIMATES, 2002-03

REPORT OF NATIONAL FINANCE COMMITTEE ON SUPPLEMENTARY ESTIMATES (A) PRESENTED

Hon. Lowell Murray, Chairman of the Standing Senate Committee on National Finance, presented the following report:

Wednesday, December 4, 2002

The Standing Senate Committee on National Finance has the honour to present its

SECOND REPORT

Your Committee, to which were referred the Supplementary Estimates "A", 2002-2003, has, in obedience to the Order of Reference of November 5, 2002, examined the said estimates and herewith presents its report.

Respectfully submitted,

LOWELL MURRAY
Chairman

(For text of report, see today's Journals of the Senate, p. 291)

The Hon. the Acting Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Murray, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Senator Milne]

EXPORT AND IMPORT OF ROUGH DIAMONDS BILL

REPORT OF COMMITTEE

Hon. Mira Spivak, for Senator Banks, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Wednesday, December 4, 2002

The Standing Senate Committee on Energy, Environment and Natural Resources has the honour to present its

SECOND REPORT

Your Committee, to which was referred Bill C-14, An Act providing for controls on the export, import or transit across Canada of rough diamonds and for a certification scheme for their export in order to meet Canada's obligations under the Kimberley Process (Export and Import of Rough Diamonds Act) has, in obedience to the Order of Reference of Tuesday, November 26, 2002, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

TOMMY BANKS
Chair

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Spivak, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

SPECIES AT RISK BILL

REPORT OF COMMITTEE

Hon. Mira Spivak, Deputy Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Wednesday, December 4, 2002

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

THIRD REPORT

Your Committee, to which was referred Bill C-5, *An Act respecting the protection of wildlife species at risk in Canada*, has, in obedience to the Order of Reference of Tuesday, October 22, 2002, examined the said Bill and now reports the same without amendment, but with observations which are appended to this report.

Respectfully submitted,

MIRA SPIVAK
Deputy Chair

(For text of observations, see today's Journals of the Senate, p. 298)

The Hon. the Acting Speaker: Honourable senators, when shall his bill be read the third time?

On motion of Senator Spivak, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

[Translation]

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY OPERATION OF OFFICIAL LANGUAGES ACT, AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

Hon. Rose-Marie Losier-Cool: Honourable senators, I give notice that, tomorrow, I will move:

That the Standing Senate Committee on Official Languages be authorized to study and report from time to time upon the operation of the *Official Languages Act*, and of regulations and directives made thereunder, within those institutions subject to the *Act*, as well as upon the reports of the Commissioner of Official Languages, the President of the Treasury Board and the Minister of Canadian Heritage.

[English]

QUESTION PERIOD

JUSTICE

AUDITOR GENERAL'S REPORT—APPROPRIATION OF FUNDS FOR THE FIREARMS REGISTRY PROGRAM

Hon. Donald H. Oliver: Honourable senators, my question is directed to the Leader of the Government in the Senate and deals with the firearms registry. According to the Auditor General's report, paragraph 10.40, there are some major discrepancies in the methods of obtaining funding for the program by the Department of Justice. According to the report, a mere 30 per cent of the total funds, \$750 million in 2001-02, used for the program was acquired through the main appropriation method, meaning that 70 per cent of the funding for the implementation of the program was acquired through the Supplementary Estimates system.

Honourable senators, could the government explain this complete lack of accountability by the Department of Justice with regard to the appropriation of funding through Supplementary Estimates? Did the Department of Justice choose this method of appropriation of funds to hide the cost of the implementation of this program? How can the government condone the severe misuse of the Supplementary Estimates in order to fund 70 per cent of the total cost of this program?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is true that the Main Estimates are the principal means by which a government department obtains funds. Certainly, the bulk of the funds for the Department of Justice were received in that way. Supplementary Estimates were used for this particular program. The Minister of Justice has indicated that he accepts all

the recommendations of the Auditor General and will seek to correct such action in the future.

Senator Oliver: Honourable senators, that means that they will not go by way of Supplementary Estimates the next time.

There is a more serious question that arises as a result of the way the department did its work. According to the Auditor General's report, paragraph 10.29, the Department of Justice did not provide Parliament with an estimate of all the major additional costs that would be incurred, even though there was a regulatory requirement for the department to do so. In other words, the Justice Department, which has certain regulations, did not follow them.

Honourable senators, why did the Department of Justice contravene its own regulations with regard to providing information on all major additional costs that would be incurred for the implementation of the registry?

Senator Carstairs: Honourable senators, the honourable senator has indicated that there is such a regulatory authority. Frankly, the government recognizes this comment by the Auditor General and has indicated that it will move to do things in the appropriate fashion.

What is necessary for all of us to understand is that Supplementary Estimates, as well as Main Estimates, are subject to parliamentary inquiry and investigation. What has been of interest to me, particularly in the other place, has been the failure to make a concerted effort to raise these matters over and over again in the study of the Estimates.

• (1350)

I have been quite shocked since I came to this place to realize how little time and attention is given to the Estimate process. In a provincial legislature, a good 70 per cent of the hours in any given session are specifically devoted to Estimates. They go into Committee of the Whole — Senator Buchanan knows this well — and conduct line-by-line investigations. I am hopeful that the new committee on operations management will bring the Estimate process to a higher profile than it has been in the other place for some time.

Senator Oliver: Honourable senators, I was looking forward to a response to the part of the question relating to the message sent to the people of Canada when the Department of Justice, the formal legal arm of the government, contravenes its own regulations? What does that say to other departments? That is my concern.

Senator Carstairs: Honourable senators, what it says to the other departments is quite clear: If you do not follow your regulatory regime, you will be caught by the Auditor General, and then you will have to agree to follow them in the future. That is not the way it should be. However, that is, unfortunately, the way it sometimes happens; governments have to be brought to task for any failure to fulfil the obligations placed upon them. That is the strength of the Auditor General. I, for one, am fully supportive of the Auditor General's role in that regard.

HOUSE OF COMMONS

STUDY OF ESTIMATES

Hon. Lowell Murray: By way of supplementary, may I suggest to the Leader of the Government in the Senate that the principal problem in the other place with the consideration of Estimates is that they are sent off to committees and deemed to have been approved by those committees by a certain date, whether or not the committees have ever opened the book on them. The result, as we have seen in previous sessions, is that one sometimes sees \$160 billion worth of projected government spending going through the House of Commons on some procedural shortcut of a single vote.

I am asking whether the Leader will lend her voice to those that are suggesting that at least a certain number of departmental estimates, the departments to be selected by the opposition, be brought before the Committee of the Whole House where the ministers can be examined, as my friend suggests, line by line on their Estimates. That was the case until 30 years ago. While we all agree that there were some abuses in that the opposition would concentrate on a few departments and all the others would go through on the nod, still it was a vast improvement over the situation in which Estimates are simply deemed to have been approved whether or not they have ever been reviewed or had a witness called on them.

Hon. Sharon Carstairs (Leader of the Government): The honourable senator is quite right. There has been a minor rule change, which will affect that to some degree, in which ministers can now be called before the chamber. I believe the last minister to be called was the Minister of Public Works. However, I agree that sometimes that process can be subject to a specific issue at a specific time, and the minister is called before the house for questioning.

It is our job as parliamentarians to do the kind of evaluation of Estimates that, regrettably, has not been done. I agree that there have been such instances. I know that, in the Manitoba Legislature education, highways and agriculture were always important topics. Others would get passed because the time had run out. It is important that we, as parliamentarians, take our jobs seriously, and the examination of the Estimates is an important part of our work. That is why our National Finance Committee works more effectively than, I would suggest, the other place.

JUSTICE

AUDITOR GENERAL'S REPORT—APPROPRIATION
OF FUNDS FOR THE FIREARMS REGISTRY
PROGRAM—MINISTER'S RESPONSIBILITY

Hon. A. Raynell Andreychuk: Honourable senators, on a supplementary to Senator Oliver's question, the Minister of Justice is not just another minister. That minister has a unique responsibility to uphold the laws of the land. In this case, what is the minister's responsibility as head of that department? How will things change at the ministerial level if ministerial accountability can be accounted for by what appears to be a condemnation of the bureaucracy? Surely, the minister is responsible.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator knows, ministers are responsible. The Honourable Minister of Justice issued a press release yesterday in which he accepted all of the Auditor General's recommendations and indicated that he would move forward on each and every one of them.

RESPONSIBILITY FOR CHANGES
TO FIREARMS REGULATIONS

Hon. Gerry St. Germain: Honourable senators, my question is to the Leader of the Government in the Senate as well. In the committee hearings on Bill C-10A, we questioned the officials on the situation facing the Inuit people and their financial situation. It was as if they felt they did not have to answer for any of these questions. When we asked about the situation of the Inuit people and how they would be negatively impacted, they gave virtually no answer at all. When the question of financing came up, it was as if that is the way the world evolves and we must accept it.

Who is responsible, from the minister's perspective? Is it the people who administer the legislation and the department, or is it the minister?

It was brought to Minister Rock's attention at the time, that the cost would not be \$5 million, \$2 million or whatever, but hundreds of millions. Can the Leader of the Government tell Canadians who is responsible?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I do not accept the preamble to the honourable senator's question, because I believe the individuals appearing before committees as representatives of their departments must be as fulsome in their explanations as their knowledge and expertise would allow them to provide. I do not like to see criticism of bureaucrats who go before committees in the way that the honourable senator has indicated this afternoon. However, we all know the doctrine of ministerial responsibility: The minister is responsible for the operation of his or her department.

EFFECT OF FIREARMS ACT

Hon. Terry Stratton: Honourable senators have been dealing with the costs of the gun registry ever since its inception. The Standing Senate Committee on National Finance has expressed serious concern, over and over, year after year, since the inception of the bill, about the cost overruns for this so-called registry.

When you see projected cost overruns of \$1 billion and, on top of that, an ongoing annual operating cost that was not supposed to be there — it was supposed to be self-sufficient — you start to wonder about the ability of government to actually formulate legislation in this area without the wheels falling off. It is obvious to the entire world, even to proponents for gun control, that the wheels have come off this program. It is out of control and the government is trying to regain control. I have to say, "If it ain't working, you have to fix it." It must be fixed by being scrapped. I believe firmly that Bill C-68 should be scrapped and Bill C-17, which was brought in by our government, should be brought back.

The number of deaths from firearms in 1991, when Bill C-17 was brought in, was 1 per 100,000. It dropped under Bill C-17 to 0.6 per 100,000. When Bill C-68 came in, it dropped in 1995 from 0.6 to 0.5 per 100,000. That is 0.1. Can the honourable leader please tell me how one measures the effectiveness of Bill C-68 when measuring those statistics?

• (1400)

Hon. Sharon Carstairs (Leader of the Government): The honourable senator is sharing statistics, so I shall share some as well. Here are the concrete results of this program. Fifty times more licences have been revoked from potentially dangerous individuals than in the last five years of the previous program. The number of people prohibited from owning firearms has increased by 50 per cent. Police agencies are accessing the on-line firearms registry 1,500 times a day. The number of lost or missing firearms has declined by 68 per cent between 1997 and 2001. The rate of firearm robberies has declined by 12 per cent in 2001. The firearms program continues to be supported by the vast majority of Canadians, with public support for firearms registration at 76 per cent, according to an independent Gallup survey. This program is working.

AUDITOR GENERAL'S REPORT—APPROPRIATION OF FUNDS FOR FIREARMS REGISTRY PROGRAM—SUPPLY OF INFORMATION BY DEPARTMENT

Hon. Terry Stratton: That is a wonderful attempt at disguising the reality of \$1 billion spent since 1995 and disguising the reality of the ineffectiveness of the bill when compared to Bill C-17 brought in by our government; the honourable leader knows it. Those comments are coupled with the fact that Richard Neville of the Treasury Board — and I want to thank him for appearing before the National Finance Committee for the past several years — has been giving us accurate information on the cost overruns. When we would present that information, nothing would happen. It would be dismissed with comments like, "We have the thing under control, look at the statistics." Are honourable senators aware that the number of murders by handguns is now two thirds of all Canadian murders?

How long have we had this handgun registry? All that has happened as a result of this so-called registry is that we are now a mass import market for illegal handguns from down south. That is what is happening.

I want to quote Mr. Neville. He told the Standing Senate Committee on National Finance:

...there is an evaluation that is currently underway within the Department of Justice of this particular program. I will say that we are looking forward immensely to seeing the results of the evaluation.

Could the government leader advise the Senate as to the nature of this evaluation?

Hon. Sharon Carstairs (Leader of the Government): Let me go back to some of the honourable senator's preamble. More guns have been confiscated coming across the border than in the history of this country. They are being confiscated on a regular basis. That is good and is the kind of thing we must continue to do. We do not want guns coming from the United States into Canada.

In terms of the honourable senator's comments on expenditures, yes, everyone will admit that this program

The Hon. the Acting Speaker: Might I remind honourable senators that the answer to the question is very important. We should listen.

Senator Carstairs: Everyone on this side of the chamber and in the cabinet would admit that this program has escalated well beyond what was originally intended, but let us take a look at some of the reasons for that cost escalation. There was the delayed passage of the Firearms Act, which cost us some money. There was the opting-out of some provinces and territories, which was unfortunate but which resulted in significant one-time costs for the government. There was the loss of anticipated revenues. To be as user-friendly as possible, fees were waived as a result of the restructuring of the program. Monies that were to be received were not received. The creation of the centralized processing site in Miramichi did cost more than the government anticipated.

Yes, there were additional costs associated with this particular program. The Honourable Leader of the Opposition has shouted out the figure of \$1 billion. Additional costs have not reached that yet, but the forecast is certainly that it may by 2004-05. We will have to accept responsibility for that increase.

The honourable senator opposite says that we should scrap this bill. We will not do that and the Canadian people do not want us to do that.

Senator Stratton: If what the honourable senator says is true, then according to the Auditor General's report, paragraph 10.49, the Auditor General was unable to complete a report because of a multitude of discrepancies and shortcomings in the information provided by the Department of Justice. How can the government condone withholding information with regard to the cost of implementing the program and allow the Department of Justice to keep Parliament in the dark on the use and spending of millions of dollars? When the Department of Justice is supposed to be an example of how the law is carried out, how is it doing this and getting away with it?

Some Hon. Senators: Hear, hear!

Senator Carstairs: Honourable senators, I have already answered that question but let me do so again. Let us make no mistake here. The reality is that the Auditor General said nothing about the policy behind Bill C-68. She indicated very clearly that that was not her responsibility. Let us not tie the program with the concept of overexpenditure because one does not equal the other.

An Hon. Senator: Order!

The Hon. the Acting Speaker: I would remind honourable senators again that the answers to the questions are very important. Senators wishing to respond can wait their turn to ask a question. I think we will try to afford everyone some time.

Senator Carstairs: Honourable senators, I am prepared to continue but, as I did with my classroom, I never tried to speak over the students.

The Hon. the Acting Speaker: Order, please.

Senator Carstairs: As I was indicating to the honourable senator opposite, the Auditor General has made no decision on policy. She has indicated that Parliament was not kept as well informed as Parliament should have been. The department accepts that criticism.

Having said that, however, I also said earlier in the day that parliamentarians also have a responsibility. I think the Honourable Senator Stratton indicated that in this chamber they did a pretty good job of accepting the responsibility, but I cannot say that that happened in the other place.

EFFECT OF FIREARMS ACT

Hon. Leonard J. Gustafson: Honourable senators, my question is to the Leader of the Government in the Senate. The dollars lost here is one thing. This is a very serious matter. One billion dollars is a lot of money. More serious than that is the disregard that both the legislating House and the Senate have had for average people. For our native people, for our farmers and for our sportsmen, there has been no regard at all. This bill has fallen far short of meeting the needs of those people. For instance, a native makes his living with a tool. A farmer sees a gun as a tool. It is a tool. We do not see it as an object of destruction. We have not thought that through.

There is a great deal of unrest in society on this issue. Coming from the West, I can tell honourable senators that many people will be criminalized and the situation will become much more serious than it is today.

• (1410)

Would the leader carry that point to the cabinet? Might she also suggest that the government rethink this whole thing and give some consideration to the people hurting as a result of this legislation? We have not done that.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question but I must indicate to him that I do not agree. As well, I do not agree with his statement that the act will criminalize people. It will not criticize anyone who obeys the law. If they have a license, they are not criminals. If they have registered their guns, they will not be criminalized.

As to the Honourable Senator Gustafson's belief that a tool and a weapon are equal I would, with the greatest respect, disagree. A gun has only one purpose. It is used for killing, or for learning skills that are also associated with killing.

Senator St. Germain: Oh, oh!

Senator Carstairs: Senator St. Germain, you and I had this same discussion some years ago. Clearly we are in profound disagreement on this point, but a tool is a tool and a weapon is a weapon.

Senator Gustafson: Honourable senators, the same thing was said when Bill C-68 was being debated. We all remember that, and we can now see what a serious mistake this bill has been. There is

an example right here. I am contending, and I suggest to the leader that she might take a look at just who will be criminalized under this statute. It will affect natives and, as we who have been members of Parliament know, people with records who could not get pardoned for 10 years. This is a serious issue.

Many of those people will not register their guns. The provincial governments are against the bill. Many members of the provincial governments are saying, "Do not listen to the federal government." I can attest that there is great confusion out there. Does the Leader of the Government in the Senate not understand that, in all fairness, we are doing society a great disservice by criminalizing people in this situation before the law?

Senator Carstairs: Honourable senators, the honourable senator and I have a fundamental disagreement. When someone chooses to be a criminal because they refuse to obey the law of Canada, you cannot put that responsibility on the Government of Canada. You have to put that responsibility on the individual whose has made the choice to be a criminal by virtue of not obeying the law.

FINANCE

AUDITOR GENERAL'S REPORT—TAX RULES FOR FOREIGN AFFILIATES

Hon. Roch Bolduc: Honourable senators, my question is for the Leader of the Government in the Senate. I have not read all the report because it is so large, but the Auditor General, after considering all the "Le musée des horreurs" of the administration said:

Canadians are not getting full value for their taxes.

That is the main conclusion. That means, therefore, that the federal government is a bad administrator. To give honourable senators one example, and it is a fantastic one, the Auditor General stated, in her December report, that a decade after a predecessor first raised the issue, tax arrangements for foreign affiliates have cost Canada hundreds of millions of dollars in lost revenue. We not are talking about Canadian companies; we are talking about foreign affiliates.

The problem occurs when a subsidiary of a foreign company borrows money in Canada, which means that the interest is deductible in Canada, and then uses the borrowed money to invest somewhere else. Another country gets the benefit of the investment while the Canadian taxpayers lose tax revenue on the interest deduction.

That is the process. It is well-known by a lot of companies, of course, because it is much used. One of the Auditor General's concerns is lack of information about the extent of the problem. The most recent data is eight years old, from 1994. The Auditor General makes a specific recommendation that the department obtain and analyze current information on the impact of letting foreign-owned Canadian corporations deduct interest on borrowed funds related to investment in foreign affiliates.

The government response to the Auditor General basically boils down to reciting various measures taken to close this loophole, since it was first brought to Parliament's attention without any recommitment to take further action and without acknowledging that more needs to be done. However, the department did state, in its response, that it would look at the revenue impact.

Can the government leader make a specific commitment that this information will be incorporated in the next annual report, put out by the Department of Finance, on the cost of various tax rules?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question; he is quite right. The Auditor General's report is a thick tome. I have never known an Auditor General's report that has not been a thick tome, nor have I ever known either a provincial or a federal auditor general's report that did not say Canadians were not getting full value for their tax dollars. That is the role and function of the Auditor General. That is why we have that office — to keep governments accountable for every single expenditure of the government.

To the honourable senator's specific question, however, in 1995 the anti-avoidance rules dealing with passive income to foreign jurisdictions were substantially modified. In 1996, foreign reporting requirements were implemented to provide better enforcement rules. In 1997, the transfer of pricing rules were improved to counter the potential for cross-border shifting of income. In 2002, rules were revised relating to foreign investment entities and non-resident trusts proposed to help protect the Canadian's tax base.

As each problem has been identified by the Auditor General, rules have been put in place to counter breaches such as those the honourable senator has raised this afternoon. I have every confidence that the Department of Finance will continue to amend rules, change rules, and make new rules that will guard taxpayers' dollars collected in the most effective fashion.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, Senator Kenny has requested the floor to ask for leave.

Hon. Colin Kenny: Honourable senators, I request leave to revert to Notice of Motions.

The Hon. the Speaker: Is leave granted, honourable senators?

Some Hon. Senators: Yes.

Hon. Gerry St. Germain: No.

The Hon. the Speaker: Leave is not granted.

• (1420)

ORDERS OF THE DAY

PHYSICAL ACTIVITY AND SPORT BILL

THIRD READING—MOTIONS IN AMENDMENT DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mahovlich, seconded by the Honourable Senator Poy, for the third reading of Bill C-12, to promote physical activity and sport,

And on the motion in amendment of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Oliver, that the Bill be not now read a third time but that it be amended,

(a) in clause 32, on page 13, by adding after line 27 the following:

“(4) The Minister shall cause a copy of the corporate plan to be tabled in each House of Parliament on any of the first fifteen days on which that House is sitting after the Minister receives the plan.”; and

(b) in clause 33, on page 14, by adding after line 11 the following:

“(5) The Minister shall cause a copy of the annual report to be tabled in each House of Parliament on any of the first fifteen days on which that House is sitting after the Minister receives the report.”.

And on the motion in amendment of the Honourable Senator Kinsella, seconded by the Honourable Senator Atkins, that the Bill be not now read a third time but that it be amended,

(a) on page 13, by adding after line 10, the following:

“32. The Centre is deemed to be a government institution as that term is defined in section 3 of the *Access to Information Act* and section 3 of the *Privacy Act* for the purposes of those Acts.”;

(b) on page 15,

(i) by adding before the heading “*Department of Canadian Heritage*” before line 17, the following:

“*Access to Information Act*

37. Schedule I to the *Access to Information Act* is amended by adding the following in alphabetical order under the heading “*Other Government Institutions*”:

Sport Dispute Resolution Centre of Canada Centre de règlement des différends sportifs du Canada",

(ii) by adding after line 21, the following:

"Privacy Act

39. Schedule I to the *Privacy Act* is amended by adding the following in alphabetical order under the heading "*Other Government Institutions*":

Sport Dispute Resolution Centre of Canada Centre de règlement des différends sportifs du Canada"; and

(c) by renumbering clauses 32 to 40 and any cross-references thereto accordingly.

And on the motion in amendment of the Honourable Senator Roche, seconded by the Honourable Senator Murray, P.C., that the Bill be not now read a third time but that it be amended in clause 35,

(a) on page 14, by deleting the heading before line 23 and lines 23 to 46;

(b) on page 15, by deleting lines 1 to 7; and

(c) by renumbering clauses 36 to 40 as clauses 35 to 39 and any cross-references thereto accordingly.

And on the motion in amendment of the Honourable Senator Gauthier, seconded by the Honourable Senator LaPierre, that the Bill be not now read a third time but that it be amended in the Preamble, on page 1, by replacing lines 5 to 8 with the following:

"social cohesion, linguistic duality, economic activity, cultural diversity and quality of life;"

And on the motion in amendment of the Honourable Senator Bolduc, seconded by the Honourable Senator Nolin, that the Bill be not now read a third time but that it be amended, in clause 28, on page 10, by replacing lines 34 to 38 with the following:

"Auditor General of Canada

28. (1) The accounts and financial transactions of the Centre are subject to examination and audit by the Auditor General of Canada.

(2) The Auditor General of Canada shall annually

(a) audit and provide an opinion on the financial statements of the Centre; and

(b) provide a report to the Chairperson and to the Minister on the audit and opinion.

(3) The Minister shall cause a copy of the Auditor General's report to be tabled in each House of Parliament on any of the first fifteen days on which that House is sitting after the Minister receives the report."

And on the motion in amendment of the Honourable Senator Gauthier, seconded by the Honourable Senator Hubley, that the Bill be not now read a third time but that it

be amended in clause 7, on page 4, by adding after line 19, the following:

"(3) In developing contribution and policy implementation agreements, the Minister shall take into account the needs of the English-speaking and French-speaking minorities, in accordance with the *Official Languages Act*."

The Hon. the Speaker: Senator Gauthier is rising, as was indicated in his earlier comments, to propose another amendment. I had thought that he would have had an opportunity, between amendments, to speak without asking for leave to do so. However, his time has expired.

Is leave granted so that he may present another amendment?

Some Hon. Senators: Agreed.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I would give leave for Senator Gauthier to move his third amendment, but it has to be done pretty quickly.

Hon. Jean-Robert Gauthier: Honourable senators, I thank the Deputy Leader of the Government. Things are going on here that I do not quite get! We need to trust the system, I guess.

The third amendment I wish to move is important, essential even. The bill does not come under the Official Languages Act for the reasons I have already given. I am told that it was impossible for us, in the federal government, to impose the Official Languages Act criteria on the Sports Dispute Resolution Centre that is proposed in Bill C-12.

I would have preferred having the Official Languages Act apply in its totality. This is, after all, a body created here in the Parliament of Canada, under a federal bill, thus a decision by the House of Commons and the Senate. I have trouble understanding this new trend of creating bodies at arm's length from Parliament, which are free to adopt a language policy, a policy for which the centre is answerable to the Canadian public. The centre's books will not be checked by the Auditor General, but by someone else. There will likely be annual reports from the minister, who is answerable to Parliament also. The centre could also be abolished by a decision by that same minister, without parliamentary consent being sought. I cannot understand the thinking that would allow a minister of the Crown to do away with the centre if it was not complying with the law, in his opinion.

That is not what my third amendment is about, however. I am told that the bulk of the activities of the Sport Dispute Resolution Centre will regularly involve both official language communities. I am told that the centre would adopt an official languages policy. I would have liked to have had a say on the policy, as is generally done, this being a matter relating to one of this country's basic pieces of legislation.

I am therefore using the parliamentary means available to me, and I am taking advantage of this debate to put on the record comments which, in my opinion, are important.

The centre will serve all Canadians. It must comply with the spirit of the Official Languages Act. And I do mean "the spirit of the act", as provided under Part IV of the Act, which deals with the language of service and the institution's duty to serve Canadians in the language of their choice. This is essential in a country with two official languages. I am told to trust them. This is an act passed by the Canadian Parliament. A federal department will be responsible for this centre. Funding will come from the federal government; I agree that \$1 million is not big money; but still, it is taxpayers' money. As a parliamentarian, I insist on accountability to Parliament. It is essential that a good organization be accountable for the money it spends. The Auditor General should audit the books on a regular basis.

This bill should take into consideration Part VII of the Official Languages Act, which states the government's policy regarding the advancement of the two official languages, and the development, fostering and enhancement of the vitality of the two major communities, so that Canadians will know that it is consistent with the spirit of the Official Languages.

MOTION IN AMENDMENT ADOPTED

Hon. Jean-Robert Gauthier: Therefore, honourable senators, I move, seconded by the Honourable Senator Gill:

That Bill C-12 be not now read a third time but that it be amended, in clause 6, on page 4, by replacing line 7 with the following:

"of grants and contributions to any person, in accordance with Parts IV and VII of the *Official Languages Act*."

This motion in amendment is not complicated, but it is of paramount importance!

The Hon. the Speaker pro tempore: The Honourable Senator Jean-Robert Gauthier, seconded by the Honourable Senator Gill, moved:

That Bill C-12 be not now read a third time but that it be amended, in clause 6, on page 4, by replacing line 7 with the following:

"of grants and contributions to any person, in accordance with Parts IV and VII of the *Official Languages Act*."

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I move that the debate be adjourned to the next sitting of the Senate.

[English]

Hon. John Lynch-Staunton: The blues will show the amendment was agreed to. There was no "nay" vote. The deputy leader then proposed the adjournment of the debate. Let the blues confirm that.

[Translation]

Senator Robichaud: Honourable senators, if a question had been put on the amendment — and I do not want to contradict what was said, but I am simply saying this — normally, when someone did not hear, that person should be given the opportunity to hear what we are voting on.

• (1430)

If I rose to move the adjournment, it is clear that I had not heard the question. There was an agreement to hear the amendments, and then to dispose of all of them at the same time, at another sitting. I think we should stick to what we had agreed to do at another sitting.

Senator Gauthier: Honourable senators, I can no longer figure out what is going on. The Deputy Leader of the Government has adjourned the debate, and this is the second time that he does that to me. How long is this going to go on? Could someone please tell me when this is going to end, when the government is going to stop making life hard for me when I move an amendment?

Hon. Pierre Claude Nolin: Honourable senators, before dealing with this very important issue, which was raised by Senator Gauthier, there is another very important issue that should be settled. The chamber decided, after the Speaker *pro tempore* had put it, to adopt the amendment. The answer was yes. I heard it from both sides, in fact. This amendment, in my opinion, has been adopted. If Senator Robichaud did not understand this, that is unfortunate, but the decision has been made.

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, with the greatest respect, we have made a decision in this chamber that we will stack all of the amendments on this bill, and that at the end of presentation of all of the amendments, we will take the votes. That is the agreement.

Frankly, while Senator Gauthier moved his amendment and His Honour read it, I distinctly heard the Honourable Deputy Leader of the Opposition saying, "Tomorrow, tomorrow." The decision was to move this item, as adjourned by Senator Robichaud, tomorrow, so that anyone who wished to speak to all of the amendments, including the three moved by Senator Gauthier, could speak to the encapsulated group of amendments. We agreed to stack them.

[Translation]

Senator Nolin: Honourable senators, as far as I know, there is only one Speaker in this chamber at a time. The Speaker is the one who is leading the debate. It is all well and good for the Leader of the Government, the Deputy Leader of the Government, and the Deputy Leader of the Opposition to have their little conversations. The Speaker *pro tempore* put the question and we said yes. Therefore the amendment has been adopted.

Hon. Eymard G. Corbin: Honourable senators, I do not want to squabble with the Leader of the Government and the Deputy Leader of the Government; however, I can tell you exactly what happened in reality.

Senator Gauthier made his comments and moved his amendment. He read it in its entirety. A page brought the amendment to the chair. The chair put the question.

Senator Robichaud: She did not read the amendment!

Senator Corbin: She read the amendment.

Senator Nolin: She read the amendment.

Senator Corbin: She read the amendment. When she said "Plait-il à la Chambre d'adopter la motion?" — and I am not looking for any squabbles with the leaders, I am just relating what occurred — I replied, in my best French, "adopté." The Speaker said, "Adopté." That is what occurred.

Now, for the other problems. There may or may not have been an agreement — I do not always recall, from one day to the next what conclusion was reached — but the fact is that, strictly speaking, respecting the process, this amendment was adopted, in my opinion.

Senator Nolin: Absolutely, barring a unanimous vote.

Senator Robichaud: Honourable senators, I do not wish to dispute what was said by the honourable senators. I was simply assuming that we had agreed to receive all amendments — my hearing is going a bit, perhaps, but I did not hear the question being put — and that is what was usually done, because the question was put and then we moved on to other senators who wanted to move amendments, to be dealt with at another sitting or maybe later today. That is why I was calling for adjournment.

Senator Gauthier is asking how long this game is going to go on, but I did not think anyone was going to put something over on me. If permission was given to receive the amendments, the purpose was to give each and every senator the opportunity to move one, and then to give the government and the bill's sponsor the opportunity to respond.

Maybe I was snoozing, but I was just relying on the fact that we had reached agreement to proceed in this way. I am a bit disappointed if, because of a moment's distraction, I am going to have this put over on me. However, I think it was clearly understood that we were going to hear all amendments. Now, if this happens again, I no longer want to get involved in such an arrangement, if I am going to end up having tricks played on me.

Senator Nolin: Honourable senators, can we agree on what Senator Corbin has related to us as the sequence of events? That is the exact way it happened. I understand Senator Robichaud's frustration, as I would feel that way myself. The sequence of events was given, quite correctly, by Senator Corbin. The Senate decided to approve the amendment; are we agreed on this?

Senator Robichaud: In any case, I will move the adjournment of the debate.

The Hon. the Speaker pro tempore: Honourable senators, the question has been put and Senator Corbin repeated what had occurred. The chamber replied and agreed, therefore I proceeded. The question was put. I even read the whole motion in amendment and you agreed to it; therefore, the motion in amendment has been adopted. Senator Robichaud, are you moving the adjournment of the debate?

Senator Robichaud: Honourable senators, I said earlier that I had not heard when you put the question, and I moved the adjournment. Now, you are asking me if I did? If you did not hear me the first time, then I am right to think that I did not hear you earlier, am I not?

On motion of Senator Robichaud, debate adjourned.

• (1440)

KYOTO PROTOCOL ON CLIMATE CHANGE

MOTION TO RATIFY—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Banks:

That the Senate call on the government to ratify the Kyoto Protocol on Climate Change,

And on the motion in amendment of the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator Murray, P.C., that the motion be amended by substituting for the period after the word "Change" the following:

" , but only if, after the Senate has heard in Committee of the Whole from all federal, provincial and territorial government representatives who wish to appear, the Senate determines that there is a substantial measure of federal-provincial agreement on an implementation plan."

Hon. Gérald-A. Beaudoin: Honourable senators, at the Rio Summit, in 1992, Canada agreed to the United Nations framework convention on climate change. In 1997, 155 countries consented to the Kyoto Protocol. The Protocol sets precise targets to reduce greenhouse gas emissions in order to fight climate change.

It is up to the Government of Canada, the executive branch, to ratify the Kyoto Protocol. Senator Carstairs's motion reads as follows:

That the Senate call on the government to ratify the Kyoto Protocol on Climate Change.

Of course, it is commendable that Parliament, the legislative branch, be asked for its view on the Protocol, but ratification does not solve everything. It is in implementation that the Kyoto Protocol will lead to legal consequences, and we must follow the division of powers set out in the Constitution Act, 1867. Therefore, the federal Parliament and the provincial legislatures must legislate within their areas of jurisdiction in order to implement the Kyoto Protocol.

The Government of Canada recently tabled a document, entitled: "Climate Change Plan for Canada." This plan outlines how the federal government intends to carry out its obligations under the Kyoto Protocol.

I would like to draw attention to the fact that implementation of the protocol will affect several provincial areas of jurisdiction, including natural resources, the environment, transportation, municipalities, housing, agriculture, health, land management, manpower training, and more generally, property and civil rights.

Clearly, the cooperation of the provinces is not only essential to the implementation of the Kyoto Protocol, but also unavoidable if we want to abide by both the spirit and the letter of the protocol.

On October 28, 2002, at the close of their meeting, the provinces released a statement in which they laid out several principles, including respect for provincial jurisdiction.

[English]

Canada, as honourable senators know, is not a unitary state. It has been a federation, a federal state, since 1867. The Supreme Court of Canada stated clearly, in the patriation case of 1981, that such a feature is the most important feature in our Constitution.

In Europe and in many other countries, the simple signature of an international treaty changes the law of the land. It is the "monist system." In the United States, to change the law of the land, they have to go one step further: The Senate must ratify the treaty. In the negative, the law of the land is not changed. In the United Kingdom and in Canada, we have the "dualist system": Once a treaty is signed, we have to implement it to change the law of the land. I say, in passing, that the U.K. is modernizing its system.

In 1937, in the *Labour Convention* case, the Judicial Committee of the Privy Council confirmed that the signature of the treaty comes under the federal executive, but added that to change the law of the land, the legislator shall legislate. If we legislate, we must respect the division of powers in the Constitution of 1867. This decision of 1937 is part of our Constitution and has not been set aside. It is still binding. The ratification does not replace that obligation because the implementation of treaties must respect the division of powers in our country, as was stated clearly by the Privy Council in 1937.

Our system shall continue to be based on the *Labour Convention* case of 1937. It has been the case in Canada since 1937. We have the *Baker* case of 1999. The law is evolving. We live in a period of "law in the making"; the living tree theory of constitutional law "is in action." The Supreme Court of Canada, since the *Baker* case, may be more sensitive to the principles of international law and take them into account in its interpretation of treaties. The *Baker* case and the cases that follow it do not set aside the law as it has been since the *Labour Convention* case of 1937.

Constitutionalists like Frank Scott, former Chief Justice Bora Laskin and, closer to us, Mr. Justice Gerard La Forest have

expressed their concern on the implementation of treaties in our country and the system that we should establish here. They are in favour of a more centralized system in that area.

A few months ago, jurists like Dean Peter Leuprecht of McGill, William A. Schabas, Erroll Mendes, Anne Bayefsky, Ken Norman, Stephen Toope and others appeared before our Standing Senate Committee on Human Rights, at the invitation of Senator Raynell Andreychuk, to express their views on that question. I was pleased and impressed by the performance of those experts. We have to do something on the implementation of treaties in Canada. We have to modernize our system. It may be that our case is unique because we have two systems of law in Canada: the Civil Code of Quebec and the common law in the other provinces of Canada. This is certainly another reason to respect the division of powers when we implement our treaties. I do not and cannot imagine for one moment that a province like Quebec that has a civil code would be satisfied with federal ratification only and leave out its obligation to adopt enabling legislation in provincial domains. A province like Quebec will not abandon, in a new system, its possibility to legislate in the legislative spheres described by the Constitution.

This question is the object of a report of the Human Rights Committee that is not yet terminated; it will be, before the end of June 2003. The study of the implementation of treaties in our country should continue. It is a domain that relates both to international law and to constitutional law. We have to find our own system.

• (1450)

For me — and I insist on this point — the decision of the Privy Council in 1937 stands. Ratification of the treaty will not solve the whole problem. If the treaty touches on areas under the jurisdiction of the provinces, as is the case, the provincial legislatures will have to implement the treaty by legislation.

In my view, a resolution of Parliament cannot set aside a constitutional obligation imposed by the courts in 1937. We must either find our own system of implementation or we must leave it to the courts. Honourable senators will not be surprised to hear that I would suggest the first option. The question should be resolved in the political arena.

In practice, the federal authority now consults the provinces before the signing a treaty because, even if the document is signed by a federal representative, the provinces, thereafter, will be involved in the implementation of a treaty. That, of course, depends on the matters included in the treaty.

Therefore, I would agree with the Leader of the Opposition that the provinces and the territories should be asked to testify in the Committee of the Whole of our Senate.

[Translation]

Hon. Rose-Marie Losier-Cool: Honourable senators, I rise to speak today about one of the greatest challenges facing our planet today: climate change. Canada needs to decide whether to join forces with other countries in meeting this challenge, or adopt an isolationist policy and make only symbolic gestures, for which future generations will, without a doubt, judge it harshly. Canada has no choice. In this endless debate, it must choose which side it is on, ratify the Kyoto Protocol, focus its energies in all good faith on meeting the related objectives, and take part in future international efforts.

I will, if I may, briefly set out the reasons why climate change is an urgent problem. Climatology findings may be confusing, but there are some home truths we cannot ignore, which clearly are a call to action. The natural greenhouse effect keeps the globe 33 degrees warmer than it would otherwise be. Despite disinformation campaigns by those who reject this theory, carbon monoxide is responsible for about one-quarter of this effect, which is what makes our planet habitable. In a little over one century, human activity has raised the concentrations of CO₂ in the atmosphere by close to one-third over its pre-industrial era levels, and for 10,000 years before. The earth has not seen such concentrations of CO₂ for hundreds of thousands of years. The effects of this major change on the earth's thermostat present a lot of unknown outcomes, but there is no doubt whatsoever that this change has taken place and that future generations will most definitely suffer the effects of it. Knowing this, we have no choice. We cannot just cross our arms, nor can we act unilaterally and unwillingly. Reducing our impact on the atmosphere demands a concerted effort at the international level. The Kyoto Protocol is exactly that sort of effort: it is the seed from which effective measures for emission reductions world-wide will grow.

What does ratification mean for Canada, and what can we do to deal with the issue of climate change? The Kyoto Protocol asks us to reduce our emissions to a level that is 6 per cent lower than the 1990 level, during the period from 2008 and 2012. This represents a 30 per cent reduction by comparison with the status quo. That is a real challenge. What the Protocol does not do is to tell Canada how to achieve this goal. Rather, it provides us with means to reduce our emissions that would not otherwise be available to us. These include access to an international emission trading system. The size and diversity of the participants in this system has the effect of reducing the price of credits; therefore, an international system is much better than a strictly provincial or national one. This also gives companies an operational framework. The Protocol allows us to take into account the carbon sinks that forests and agricultural land represent, when calculating the target to be reached.

All this to say that the protocol provides flexibility to make reducing emissions less costly. The market mechanisms provided for in the Kyoto Protocol, and also in the government's

implementation plan, will help reduce costs. All over the world, and in Canada, there are many easy and inexpensive ways to reduce emissions without levying heavy taxes on fossil fuels. The scenarios that anticipate, for example, massive increases in the price of gasoline are simply unfounded, because the protocol offers many options that are much less costly and much more effective to reduce emissions.

Ratification of the Kyoto Protocol is also a long-awaited incentive to invest in renewable energies. Canada could become a world leader in these technologies by turning to innovation in a really big way. Necessity is the mother of invention: making it harder to use fossil fuels will promote the use of alternative energy sources and technologies.

[English]

Since the mid-1980s, there has been little incentive for firms in Canada to improve their energy efficiency, as the real price of oil and gas has not increased very much since that time. In fact, the inflation-adjusted price of gasoline is almost the same as it was 40 years ago. As a result, Canadians have not placed a high priority on increasing efficiency. This means that there are many areas where there is much room to improve energy efficiency with relative ease and without having to resort to drastic behavioural modifications.

It has been said that Canada is just a small emitter in the global scheme of things and that efforts here would, therefore, be useless, particularly if large emitters like China and India are exempt. The Kyoto Protocol is a child of the United Nations Framework Convention on Climate Change. The convention, which Canada, along with 186 other nations — including the United States of America — has ratified, clearly notes in its preamble that:

...the largest share of historical and current global emissions of greenhouse gases has originated in developed countries, that per capital emissions in developing countries are still relatively low and that the share of global emissions originating in developing countries will grow to meet their social and development needs.

It further states:

Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof.

[Translation]

It could not be any clearer. It is up to Canada, as a prosperous and developed party to this Convention, to take the initiative of fighting climate change, one element of which, actually, is ratification of the Kyoto Protocol. Withdrawing from the Protocol to implement a national plan or a series of distinct provincial plans would be no better than the status quo and would amount to an abdication of our international responsibility, a responsibility that we recognized in the Convention.

It should be noted, in fact, that countries like China have reduced their greenhouse gas emissions. This is largely due to the fact that their dependence on coal was choking people, and so they switched to less polluting and more efficient fuels, such as natural gas. Canadians are also choking. Thousands of Canadians die every year from the effects of smog, which is mostly produced by burning fossil fuels. What is the best way to fight this problem? It is simple. Burn less fuel, and more efficiently. The link is clear. Kyoto aims to fight climate change, but by doing so, we also fight diseases related to smog.

The reason we, and Canadians, are talking about climate change is the Kyoto Protocol. If the protocol dies in Canada, the interest in climate change will, no doubt, die with it. The will to develop renewable energy and technology will also disappear, as was the case after the oil crisis of the 1970s. If that happens, our planet and our lives will be less healthy as a result.

• (1500)

Climate change is a complex problem, undeniably. The scientific data on which our knowledge is based is complicated and it is impossible to forecast the effects of climate change with any certainty. It is a long-term problem, the kind of problem that the human psyche and politics have a hard time dealing with. However, we know that, since the beginning of the industrial age, humans have fiddled shamelessly with the planet's thermostat by altering the gases that envelop the Earth and make it liveable. Now that we know that the cause of this problem is our dependence on the use of fossil fuels, the question is: what should we do now, knowing what we do? Will we just go on doing what we have been doing and let our descendants deal with the consequences? Or will we make the best effort we can, together with the rest of the planet, to put an end to what is clearly an abuse of the planet on which our lives depend? The Kyoto Protocol is the beginning of this effort. Anything less is not enough.

[English]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Could the honourable senator advise the house as to whether or not she accepts, as a principle, that Canada as a Confederation has the sovereign right to exploit its own resources pursuant to our own environmental and developmental policies and that Canadians are responsible, federally and provincially, in ensuring that activities within our various jurisdictions do not cause damage to the environment?

[Translation]

Senator Losier-Cool: I think that, yes, I agree with the principle that all Canadians want to do more. When recycling became an issue, the international community and our small communities went through a behavioural change. I was there, and I witnessed the beginning of this change. Canadians embarked on this venture. Regardless of where they live in the country, they want to do more, and they want us to make decisions for them.

Senator Kinsella: I am fully satisfied with Senator Losier-Cool's answer. Paragraph eight of the preamble of the Convention says the same thing. The Convention establishes the principles. The protocol implements the Convention.

If Canada ratifies this protocol, is the honourable senator concerned that it might not be able to fulfil its duties and obligations, if the provinces are not active players?

Senator Losier-Cool: My answer is simple. I am not at all concerned, because I am convinced that the provinces will join us when we are ready to take action.

Senator Kinsella: I would like to move the adjournment of the debate, if there are no other questions.

On motion of Senator Kinsella, debate adjourned.

[English]

CRIMINAL CODE FIREARMS ACT

BILL TO AMEND—POINT OF ORDER— SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, yesterday a point of order came up with respect to Bill C-10A, and I am now prepared to give a ruling on the question.

Yesterday, the Senate agreed to the third reading and passage of Bill C-10A, to amend the Criminal Code (firearms) and the Firearms Act without amendment. This bill is the end result of a decision of the Senate to divide Bill C-10. Bill C-10B remains before the Standing Senate Committee on Legal and Constitutional Affairs. The Senate agreed to this when the second report the committee was adopted Thursday, November 28.

[Translation]

As is required, I read out the message to be sent to the House of Commons following the adoption and passage of Bill C-10A. Following my reading of the message, Senator Kinsella rose on a point of order to seek clarification about Senate practices with respect to these messages and whether the Senate would follow the precedent of 1988 when another message, also related to a bill that was divided by the Senate, was the object of some discussion and amendment.

[English]

There followed a series of interventions by senators. Senator Lynch-Staunton asked questions about the origin of the message, its content and its author. He also asked why the message had not been distributed to the senators before being read. Like Senator Kinsella, he suggested that this message is a debatable motion subject to amendment. In a subsequent intervention, Senator Kinsella cited rule 123 of the *Rules of the Senate* respecting messages that are transmitted between the Senate and the House of Commons through the clerk. He also made reference to the *Companion to the Standing Orders and Guide to the Proceedings of the House of Lords* and its use of messages to support his contention that the message is equivalent to a debatable motion, confirming the validity of the Senate precedent of 1988 relating to Bill C-103.

Senator Carstairs and Senator Robichaud contended that the message is not debatable. Senator Carstairs disagreed with the position of Senator Lynch-Staunton that the message contained editorial commentary. In her view, the message is simply stating the actions that have been taken by the Senate. As Senator Robichaud put it, the message is providing information to the House of Commons with respect to the decision of the Senate.

[Translation]

In her comments, Senator Cools noted that messages have been debated before in the Senate and have even been referred to committee for study. Further, the Senator noted that there is nothing routine about this bill and there is nothing routine about what has happened. Finally, as Senator Cools put it, this message is the Senate's message and Senators have an interest in making their voices known and expressing their opinions on the actual wording of the message.

[English]

I would thank all honourable Senators for their contribution to this discussion on the point of order.

• (1510)

The purpose of a message is to provide a vehicle for a formal communication between the two Houses. The House of Lords Companion, to which Senator Kinsella referred, states that messages are used "for sending bills from one House to the other, for informing one House of the agreement of the other to bills or amendments, for requesting the attendance of officers of either Houses as witnesses, for the exchange of documents, for the setting up of joint committees...and for other matters on which the two Houses communicate." The use of messages is generally much the same in our Parliament.

When the Senate receives a message from the House of Commons, the content of the message is often debatable, but not always. For example, yesterday, I read a message from the House of Commons to inform the Senate that it had passed Bill S-2, dealing with a series of tax treaties, without amendment. In this particular case, there is nothing to debate; the purpose of the message is simply to convey information. In other cases, however, a message may require some action on the part of the Senate. When, for example, the House of Commons either disagrees to a Senate amendment to a Commons bill, or the Commons amends a Senate bill, the message is taken as notice, and its contents are ordered for debate and determination at a subsequent sitting.

In order for a bill to become an act of Parliament, it must be adopted by both Houses. It is part of established practice that, when a bill is adopted at third reading and passed by one House, a message must be sent to the other House informing it of the actions taken and the decisions made. This message is an automatic consequence flowing from the decision to pass a specific bill. The message itself is not debatable. The debate took place on the bill; the message is simply a method of informing the other House of the decision taken with respect to the bill.

Furthermore, the message on a bill must relay all relevant information that would allow the receiving House to understand what has happened. When it is a House of Commons bill, the message must provide all the information necessary for the House

of Commons to understand what the Senate did while reviewing the legislation.

[Translation]

Messages of this kind conveyed from the Senate to the House of Commons are routine. Whenever the Senate has amended a Commons bill, the message sent by the Senate to the House of Commons identifies the amendments and seeks its concurrence. So far as I have been able to determine, these messages are not the object of a debate. I can only assume that this is because, as I have already explained, the message itself is not a motion. Certainly it is not listed as a debatable motion under rule 62 of the *Rules of the Senate*.

[English]

The one exception appears to be the case mentioned by Senator Kinsella, yesterday. In 1988 after the Senate had already agreed to divide Bill C-103 into two bills and then adopted and passed Bill C-103 (Part I), there was some discussion on the content of the message. As recorded in the *Debates* of July 7, at page 3888, a portion of the message was deleted. I am being asked if this case constitutes a precedent that is binding with respect to the matter now before the Senate, namely, Bill C-10A.

Having reviewed the *Debates* carefully, I am uncertain as to exactly how this incident occurred. It would appear that Senator Flynn contested an assertion made by Senator MacEachen that the decision of the Senate with respect to the adoption of the first part of the divided bill was unanimous. Senator MacEachen made this claim immediately following the Speaker's pronouncement of the message. In the ensuing exchanges, Senator Flynn proposed that the first phrase of the second portion of the message, soliciting the concurrence of the House of Commons with respect to the division of the bill, be deleted. The remainder of the message informed the House that the Senate passed Bill 103 (Part I) without amendment and that it is further considering Bill C-103 (Part II). The proposal to delete the concurrence request was accepted and the message was subsequently sent to the House of Commons.

Based on my reading, it does not appear that his action was in the form of an amendment to a motion. There is no identified mover and seconder. It just seemed to happen. That this decision was not an amendment to a motion is confirmed by reference to the *Journals* for that date, on pages 2908-2909. The message was not moved by any senator and the change suggested by Senator Flynn was not moved as an amendment. Consequently, I am not sure how I can take this event as a precedent. If it is being suggested that this action was done implicitly by leave, that may be true, but anything done by leave can never be taken as a precedent. If anything, it may prove the exception to the rule that messages like this are not normally the subject of any discussion. To my mind, it was an exceptional occurrence and was done without a dissenting voice.

As I have mentioned already on a previous occasion, the Speaker of the House of Commons objected to the message from the Senate because, in part, it departed from customary usage in not seeking the concurrence of the House of Commons. In the end, the Commons did not accept the Senate's action in dividing the bill because it claimed that it infringed its rights and privileges.

[The Hon. the Speaker]

As we have acknowledged, instructions to committees to divide or combine bills are very rare in Canadian parliamentary practice; nor are they that frequent in the United Kingdom Parliament, yet it is British practice that constitutes our model. This difficulty is compounded because Westminster has no precedent for the Lords dividing a Commons bill. As *Erskine May* states in a footnote on page 470 of the twenty-second edition: "...the propriety of dividing a Commons bill has not been decided." As a result, there is no established formula for the message.

In 1941, when the Senate combined two Commons bills dealing with war revenue, a message was sent immediately upon the third reading and passage of the bill. The message read as follows:

Ordered, That the Clerk do carry this Bill back to the House of Commons and acquaint them that the Senate has passed the same with an amendment, and with the incorporation therein of Bill (101) of the House of Commons intituled: "An Act to amend the Special War Revenue Act," to which they desire their concurrence.

Despite the lack of a clearly established formula, one thing is clear. A proper message must seek the concurrence of the House of Commons to any changes made by the Senate to a Commons bill. This is the only element of the message, in 1988, that was deleted. The original message informed the House of Commons that it divided the bill into two bills, both of which were attached as appendices. Further, the message informed the House of Commons that the Senate had passed one part of the bill and was continuing its examination of the second part.

Is the current message much different from the original version of the 1988 example? Any comparison would suggest that they are almost identical. Certainly, there is no substantive difference. The 1988 message on Bill C-103, with the deletion, was sent by the Senate.

Taking into account what happened in 1988, I think it can be said that the original version of the 1988 message is a fair model. That being said, it is possible for senators to raise points of order on the content of the message if there is any suspicion as to a factual or procedural error in it. However, with respect to the claim that the message is a debatable motion, it is my ruling that the point of order raised by Senator Kinsella is not substantiated. Accordingly, the message that I read yesterday is in order and will be sent to the House of Commons forthwith.

Senator Lynch-Staunton: His Honour's ruling does allow a point of order.

The Hon. the Speaker: Point of order, Senator Lynch-Staunton?

POINTS OF ORDER

Hon. John Lynch-Staunton (Leader of the Opposition): I have a point of order, and it will not be based on suspicion. What exactly are the documents being sent to the House of Commons with a message?

The Hon. the Speaker: I will reread the message, for purposes of clarity, to assist you with the point of order. You may have it, but I do not. I should like to read it.

Senator Lynch-Staunton: I would like to know what is being sent.

• (1520)

The Hon. the Speaker: For purposes of all honourable senators, I will reread the message:

Ordered,

That the Clerk do carry this Bill back to the House of Commons and acquaint that House that the Senate has divided the Bill into two Bills, Bill C-10A, An Act to amend the Criminal Code (firearms) and the Firearms Act, and Bill C-10B, An Act to amend the Criminal Code (cruelty to animals), both of which are attached to this Message as Appendices "A" and "B" respectively; and

That the Clerk further acquaint that House that: (a) the Senate desires the concurrence of the House of Commons in the division of Bill C-10; (b) the Senate has passed Bill C-10A without amendment; and (c) the Senate is further considering Bill C-10B.

I think Senator Lynch-Staunton is wondering what the attachments say. I have asked for the attachments and should have them shortly.

Senator Lynch-Staunton: I know what the attachments say. Other than those two attachments, is anything else going back to the House? The question is, where is Bill C-10? Is Bill C-10 going back to the House as well?

The Hon. the Speaker: According to the message we are sending and in respect of what the committee did, the two parts of Bill C-10 are going back to the House of Commons.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I thank His Honour for his ruling, which we accept. I thank him for the research he did in preparing that helpful decision. He has indicated issues of fact, and that is all we are talking about now. The message reads, "Ordered, That the Clerk do carry this Bill..." Do the words "this Bill" refer to Bill C-10?

The Hon. the Speaker: I think we have to take the words at face value. This bill, Bill C-10, is being returned in the form described in the message.

Senator Kinsella: On this new point of order, I am arguing that this message is out of order if this bill does not refer to Bill C-10. Bill C-10 must be included in the message that is sent to the House of Commons, and I would like a ruling on that point.

The Hon. the Speaker: I now have before me what is being returned to the House of Commons, and I think it satisfies Senator Kinsella's concern. I could read the attachments, but I am not sure that is what the honourable senator wants. What is being returned in bound form is Bill C-10, which we received, and an appendix, which is referred to in the message, namely, Bill C-10A and Bill C-10B, as well as a signed copy of the message that I read earlier.

We are still discussing a point of order as to whether there is any error in the message, which I indicated, in my ruling, would be proper if we see there is an error.

Senator Lynch-Staunton: The message refers to “this Bill.” This bill is Bill C-10A. If we read the *Journals of the Senate* at page 272, a vote was taken on Bill C-10A. That page records the yeas, nays and abstentions. Accordingly, the bill, Bill C-10A, was read the third time and passed. His Honour then read the message that the clerk do carry the bill, meaning Bill C-10A, back to the House of Commons and acquaint that House that this house has divided the bill.

The question is what bill? Bill C-10? We did not pass C-10. We passed Bill C-10A. The message reads that the clerk do carry “this Bill.” “This Bill” means the bill that was passed at third reading stage, which is C-10A. The message that the clerk do carry this bill, C-10A, back to the House of Commons and acquaint that House that the Senate has divided the bill into two bills, 10A and 10B, is factually incorrect.

The Hon. the Speaker: I think the committee, as it reported back to this chamber, did divide the bill. Short of saying that it is impossible to divide a bill, I think we have to accept that the committee did divide the bill and did exactly what the report said it did. As I observed earlier, the committee followed the precedent of the bill that was dealt with in 1988, which interestingly enough was the subject matter of rulings of both Houses, neither of which raised the issue the honourable senator raises now. In other words, the division of the bill was accepted. There were other concerns in both Houses as to whether the rules and privileges of Parliament had been respected, but as to the ability to divide the bill, there was no question.

Hon. Anne C. Cools: I should like to clarify what His Honour said a few moments ago so that I can wrap my mind around a response to Senator Lynch-Staunton’s point of order. Senator Lynch-Staunton had asked what the bill was. The message says:

Ordered,

That the Clerk do carry this Bill back to the House of Commons and acquaint that House that the Senate has divided the Bill into two Bills...

The senator’s question was particularly about which bill the message is referring to when it states “carry this Bill.” His Honour said something to the effect that Bill C-10 is being returned to the House in the form of two bills. I am wondering if His Honour had said say that, because that is pivotal to us wrapping our minds around the point of order. What are the bills being returned?

The Hon. the Speaker: I go back to the message. It is probably easier to read the whole thing.

Senator Cools: I am trying to clarify what it was that His Honour said in response to Senator Lynch-Staunton.

The Hon. the Speaker: When Senator Lynch-Staunton asked what accompanies the message, I indicated that I have in my hand, available for examination by senators, what will

accompany the message — that is, Bill C-10, the bill received from the House of Commons, together with an appendix containing the divided bill, Bill C-10A and Bill C-10B. That is what we are sending back to the House of Commons.

Senator Cools: I was trying to clarify His Honour’s statement because I heard him say that a bill came in one form and a bill is being sent back to the House of Commons in a different form.

The Hon. the Speaker: The bill is going back because it is up to the House, as the honourable senator knows, as to whether they will agree to divide the bill.

Senator Cools: I know that. I was just trying to clarify, Your Honour, what you said, because I wanted to respond to Senator Lynch-Staunton’s statement. I thought I heard you say that Bill C-10 was being returned in the form of Bill C-10A, or something like that.

The Hon. the Speaker: To clarify the matter, I would refer the honourable senator to the message, which I think is very straightforward. It returns the bill to the House and, as appendices, the divided bill, to which it requests the concurrence of the House of Commons.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I believe we are trying to do indirectly what we cannot do directly, namely having a debate on the Speaker’s ruling, which is clear and straightforward. We must accept it, unless somebody appeals it. I do not believe we should be trying to do indirectly what cannot be done directly.

• (1530)

Senator Lynch-Staunton: Honourable senators, I completely agree with Senator Robichaud. In fact, I want to raise a point of order based on the last paragraph of the ruling that he just gave us. It is just as clear in French as in English.

[English]

We, the Senate, voted by majority vote, yesterday, at third reading on Bill C-10A. The *Journals* say the bill was read the third time and passed. His Honour then rose and read the message that the clerk do carry this bill to the House of Commons.

This bill is 10A. Bill C-10 was not before us yesterday. Bill C-10 is in committee, if anywhere. It is certainly was not before this chamber.

Bill C-10A was passed at third reading, so the clerk can only carry Bill C-10A to the House of Commons. Fine. The Clerk is asked to acquaint that House that the Senate has divided the bill into two bills — 10A and 10B. If he is only carrying back 10A, how can he then also say that 10A was divided into 10A and 10B.

We only need rewrite the message to say that the committee considered Bill C-10, and on their recommendation, et cetera. As it is now, it is factually incorrect, and that is my point of order.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, with the greatest respect, the honourable Leader of the Opposition challenged the message yesterday.

Some Hon. Senators: No.

Senator Carstairs: His honour has ruled. If the leaders opposite wish to challenge that ruling, they had within the powers of the Senate the ability to stand and request a vote. They did not. The message is finished. It should be sent to the House of Commons forthwith.

Senator Kinsella: Honourable senators, when I rose, I made it perfectly clear that we not only accepted, but also congratulated, His Honour for the research and work he put into the decision.

In my experience of 12 years in this chamber, I have never been party to challenging the speaker's ruling, and I do not intend to challenge it in the future, notwithstanding the unacceptable example shared in this place in the not so distant past.

Honourable senators, I draw your attention to the words of His Honour in the last paragraph of his decision. After having said that there was no point of order on the point I raised yesterday, His Honour said,

That being said, it is possible for Senators to raise points of order on the content of the message if there is any suspicion as to a factual or procedural error in it.

That is exactly what we are doing, totally in gracious acceptance of the guidance and decision that we received from the Speaker. We believe that there is a factual error in the drafting of the message.

I was concerned with where Bill C-10 was. His Honour has informed me, and I am satisfied, that that bill that came over by message from the other place will be part of the package that is appended to the message to the House of Commons.

That was my concern. It has been satisfied.

The honourable Leader of the Opposition has raised a very substantive issue. That is the point of fact and procedure for which we require a decision of the chair.

Senator Carstairs: Honourable senators, with the greatest respect, points of order are to be raised at the earliest possible opportunity. The earliest possible opportunity was yesterday.

A point of order was raised. His honour has ruled, and in his ruling he says,

...the point of order raised by Senator Kinsella is not substantiated. Accordingly, the message that I read yesterday is in order and will be sent to the House of Commons forthwith.

Senator LeBreton: Selective reading.

The Hon. the Speaker: I will end this discussion with Senator Cools.

Senator Cools: Honourable senators, this entire debate seems to become more muddled as we go along. The entire situation continues to unfold with what I can only describe as bewildering oddities and peculiarities.

The fact is that Senator Carstairs is absolutely wrong. There is nothing whatsoever that says that a point of order must be raised at the earliest opportunity.

She is confusing a point of order with a question of privilege under rule 43. Rule 44 asks the Speaker for *prima facie* consideration.

First, a point of order is to be raised whenever a point of order may be raised.

Second, we have here a new point of order. Senator Carstairs is trying to make it appear as though the opposition is attempting to impugn His Honour or somehow to diminish him, when, in point of fact, the opposition is attempting to assist His Honour in a most noble and outstanding way.

The Leader of the Opposition is attempting to say that there may be typographical errors, drafting errors or genuine mistakes in the scripting of this message. I think that that is a very noble aspiration and a point to bring forward.

When an order, motion or a question is put before His Honour, and he discovers defects, he has an obligation not to put those questions. In other words, the first duty of the Speaker is to uphold the rules and the system. If Senator Lynch-Staunton has pointed out flaws in the scripting of the message, it seems to me that His Honour has an obligation to correct it forthwith.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, the Honourable the Speaker himself said in the last paragraph of his ruling that we could raise a point of order to ask him questions. That is what I intend on doing. May I proceed?

[English]

The Hon. the Speaker: The ruling is final. It was not challenged, and it stands.

The ruling did make the suggestion that if there is thought to be an error in the message, the proper way to raise it would be through a point of order. Senator Lynch-Staunton did that. On the point of order, if the honourable senator has a comment, I will hear it.

[Translation]

Senator Nolin: Honourable senators, I do suspect that there is a factual error. In your message, you use the words, "this bill." To which bill does the pronoun "this" refer?

[English]

The Hon. the Speaker: The message goes on to explain that Bill C-10 is being returned with the appendices of Bill C-10A and 10B.

I will close the interventions on the point of order. I thank honourable senators for their comments. As you can imagine, I have spent quite a bit of time on this issue, and I believe that I can rule now.

The question raised by Senator Lynch-Staunton is whether the message is incorrect in that it sends back Bill C-10 when the committee only dealt with Bill C-10A, having divided it. I believe the message is correct. To not return the bill to the House would be incorrect because the House may, for instance, decide not to accept the Senate's message that it has divided the bill, similar to their process when dealing with amendments. They could treat it like an amendment and accept or not accept it. To receive only the appendices created by the committee would leave the House of Commons without the bill to send back. To receive the bill, we must send the bill back. In the message to the House we have asked that the bill be divided because the committee of our chamber reported it to Senate in that form.

• (1540)

Honourable senators, I must say that I am relying also on the rulings given on this point by the then Speaker of the Senate and the then Speaker of House of Commons in 1988 when Bill C-103 was the subject of a similar conversation, debate or discussion in this place and in the other place. Those rulings, one of which was voted against by a majority of voices in the Senate, did not raise the message as a concern. In other words, I am relying on the fact the Senate accepted that process then. It was also accepted as the correct procedure in the House of Commons in then Speaker Fraser's ruling. Accordingly, I rule that there is no error in the message.

Senator Cools: Honourable senators, I have a new point of order.

The Hon. the Speaker: Is the honourable senator rising to challenge the ruling?

Senator Cools: Your Honour, I am not challenging the ruling.

The Hon. the Speaker: Is the honourable senator rising on a point of order?

Senator Cools: The Honourable Speaker is now saying that we are returning Bill C-10 to the House of Commons. Where does the authority come from for the Speaker of the Senate or for the staff of the Senate to take such an act when Bill C-10 has not been before the house?

Senator Carstairs: Senator Cools, the house directed them.

Senator Cools: Honourable senators have not directed the Speaker. I was not aware that the Speaker took orders from the government.

The Hon. the Speaker: Senator Cools, the bill was received in the house and it was dealt with in accordance with report of the Standing Senate Committee on Legal and Constitutional Affairs. The report was adopted and the message reflects that.

Senator Cools: That is not my point of order. My point of order is with respect to Bill C-10. Senator Sparrow asked the house, at the last sitting of the Senate, where Bill C-10 is. The honourable senator's question was treated as something of a joke. Bill C-10 cannot suddenly reappear when Bill C-10 ceased to exist some weeks ago.

The Hon. the Speaker: Senator Cools, if I understand correctly, you are continuing to argue or present points on one of the points of order that has been ruled on. The proper practice is to challenge the ruling if you disagree with it; otherwise, it is not debateable.

Senator Cools: Your Honour, I said I am —

Some Hon. Senators: Order, order!

Senator Cools: It is my right to raise a point of order. If His Honour wants to debate, then there is a way in which His Honour can debate. His Honour should not be debating from the chair. Rules do apply for good reason. I am trying to say that this message is very clearly out of order for a different and another set of reasons that have to do with the fact that Bill C-10B is still before the Senate Legal and Constitutional Affairs Committee — it is still committed in the committee. Therefore, a message cannot be sent to the Commons about it.

Some Hon. Senators: Order, order!

The Hon. the Speaker: Senator Cools, I respect your interest in the rules, your adherence to the rules, your love of procedure and how important it is to you. However, by raising Bills C-10A and C-10B, you are returning to matters that have already been dealt with and ruled upon. The proper procedure is for the house to now continue with the Order Paper.

Senator Cools: I am speaking to my colleagues in the chamber, which is my right. The fact of the matter is that there is something very wrong in this message and this message is the property of the entire Senate. This is not the message of the Speaker of the Senate or the message of the staff of the Senate. This is the message of the Senate acting as a whole and it should be dealt with properly. It is our property.

The Hon. the Speaker: Senator Cools —

Senator Cools: It is not His Honour's property.

The Hon. the Speaker: Senator Cools, there may be a point of order but I have not heard anything new from you since I last ruled on the point of order. If you have something new, I should like to hear it put on the record.

Hon. Eymard G. Corbin: Honourable senators, I have a new point of order.

The Hon. the Speaker: Honourable senators, I will hear Senator Nolin first and then Senator Corbin.

[Translation]

Senator Nolin: Honourable senators, I ask the question in French because my clarification concerns the French version of the message. That is why I asked you if the word "ce" refers to Bill C-10A or Bill C-10B. The verb "reporter" means that we are returning to them something that we have already received. That is what I wanted to know. As far as I am concerned, there is a mistake in the French version of your message.

[English]

The Hon. the Speaker: Senator Corbin, perhaps you could help me with that.

Senator Corbin: Honourable senators, I should like to offer an opinion. The last words of the Speaker's ruling that I read today were that the message was in order and would be sent to the House of Commons forthwith. "Forthwith" means immediately and the way that I understand "forthwith" is that the message, if it has not reached the House, it is down the corridor on its way to the House. That means it is no longer before this house. If it is no longer before this house, there cannot be a point of order on it. There can be no point of order on something that is not before us.

Some Hon. Senators: Hear, hear!

[Translation]

Senator Nolin: I have the greatest respect for the enlightened opinion of our colleague, but the same paragraph states that senators may raise a point of order with respect to the content of the message, if they have reason to believe there has been a factual or procedural error. And that is precisely what I did. I believe I am entitled to a response on the French version of the message we are sending to the House of Commons.

Senator Robichaud: Honourable senators, when the Honourable Senator Nolin raised this point initially, the Chair listened to his arguments and then brought down a ruling: the message was correct and there was no point of order.

We are coming back to this whole issue and doing indirectly what we cannot do directly, which is to challenge the decision.

[English]

Senator Cools: Honourable senators, I have been trying to speak for quite some time and it seems to be an enormous challenge.

The Hon. the Speaker: As to the third point of order, by Senator Nolin, and while I am not on comfortable ground, I rule that it is not fatal to the message, that it is adequate and that it does not constitute an error such that we should revise the message.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker: Does an honourable senator wish to challenge?

Hon. A. Raynell Andreychuk: Honourable senators, I rise on a point of clarification. I respect the Speaker's ruling that the message will be sent to the other place —

Some Hon. Senators: It is gone.

Senator Andreychuk: Bill C-10 will be sent over, annexing Bills C-10A and C-10B. However, I am having trouble understanding what the Senate has, therefore, retained. Subsection (c) states that the Senate is further considering Bill C-10B. If we have sent Bill C-10, then we have appended Bills C-10A and C-10B. What could honourable senators further consider to be before the house? As we speak, the Legal and Constitutional Affairs Committee is supposed to be meeting to consider Bill C-10B. I find that troublesome because it seems to be in contradiction of the first paragraph. Therefore, it is not a question of sending the message over but rather of clarifying what is left to consider. If the house has sent Bills C-10A and C-10B to the other place, how can Bill C-10B be considered in our committee?

• (1550)

Senator Cools: I should like to support that point of order as well. This is one of the critical points I was trying to raise. Using a message such as this simply cannot deliver to the House of Commons that which the chamber itself does not possess. Bill C-10B, or the alleged Bill C-10B, is still being dealt with in the Standing Senate Committee on Constitutional and Legal Affairs. That is the first point. The second point is that Bill C-10 no longer exists. Therefore, this message simply cannot be a conveyance for that which is not in our possession here in this chamber to send. That is a critical point, and I think it is one that should well be taken into account.

This is not right, honourable senators.

Senator Robichaud: Order!

Senator Cools: This is unconstitutional.

The Hon. the Speaker: Once again, I believe we are reworking old ground, Senator Cools.

Senator Cools: No. We are not.

The Hon. the Speaker: As to Senator Andreychuk's point, if some action is taken which is inappropriate in the circumstances, I believe that is a matter that should be dealt with by the committee or by this chamber.

Senator Cools: Honourable senators, this is not a parliamentary proceeding. Bills appear, they disappear and they reappear.

Senator Robichaud: Order!

Senator Cools: This is voodoo. This is not a parliamentary proceeding. You simply cannot have bills appearing, disappearing and reappearing at whim.

The Hon. the Speaker: Senator Cools, happily or unhappily, I find myself in the role of presiding officer charged with the duty of moving on with the business of this place. Senators may wish to speak to items on our Order Paper. We have spent much time on this issue. I have listened carefully for new material, points or questions, and I have not heard any up to this point.

I believe that it is my duty to draw to the attention of all honourable senators that we have disposed of these questions. I have done the best I can. I do not claim any perfection in these matters. Having done that, I believe it is now time for me to say to all honourable senators that we should move on with the business of the Senate out of respect for those who have business before this chamber.

Some Hon. Senators: Hear, hear!

Senator Cools: We have sent a flawed message to the House of Commons. I would warn that this message does not reflect the will of this chamber. It must be crystal clear that this message is not the will of this Senate chamber and, therefore, there is something very wrong here.

Senator Robichaud: Order!

Senator Cools: Listen to me. I know the rules of this place.

Senator Robichaud: Order!

The Hon. the Speaker: Order, please, honourable senators.

Senator Cools: I know the rules of this place.

Senator Robichaud: Order!

Senator Cools: I know how the Senate is supposed to operate. The rules here in the Senate are that the Speaker of the Senate is just another senator. We should conform to that particular rule. The fact is that the business of maintaining the order of the Senate is something that belongs to the entire chamber.

Senator Robichaud: Order!

Hon. Terry Stratton: Honourable senators, I raise a minor point that has nothing to do with what has taken place prior to this and nothing to do with what is coming down. People are virtually leaving this chamber because of the temperature. On our side, we only had so many senators in attendance, and we are losing them. They are leaving because of the cold temperature.

I have the support of Senator Rompkey on this, because he is experiencing the same problem on his side.

Hon. Bill Rompkey: I concur with Senator Stratton. People on this side have made a similar complaint to me. I think measures have been taken to correct the situation. However, as yet, it has not been corrected. We do need comfort in the chamber to do our work properly.

The Hon. the Speaker: Honourable senators, the clerk has advised that the Table is aware of this. Public Works has been called, and all attempts are being made to rectify the problem.

Senator Robichaud: Honourable senators, it seems strange to say that we are cold in here because there is not enough hot air. I hope I am not offending anyone by saying that.

I believe that consent will be granted to stand the items on the Order paper that were not reached. Therefore, the committees that have planned on sitting today, as they do every Wednesday, will be able to meet.

The Hon. the Speaker: Is it agreed, honourable senators?

Some Hon. Senators: Agreed.

Senator Cools: The honourable senator is asking for permission to stand all remaining items. I wish to ask the Deputy Leader of the Government a question. He is proposing that we stand all remaining items on the Order Paper so that committees may meet. Is one of those committees that will be meeting the Standing Senate Committee on Legal and Constitutional Affairs? If the answer is yes, then I would ask: What will be the subject of the meeting?

[Translation]

Senator Robichaud: Honourable senators, this question should be asked of the chair of the committee involved.

[English]

Senator Cools: My question is a serious one. The honourable senator is asking for leave. When a senator rises and asks for leave, he has a duty and obligation to explain why. If another senator has a question as to why he is requesting leave, he has a duty to respond.

All of our rules are supposed to ensure that debate takes place and that proper consideration is given. Rules are not intended to shut down debate; rules are supposed to allow the opposite to happen.

I am asking the Deputy Leader of the Government if he is asking for leave so that committees may sit. I am asking him if the Standing Senate Committee on Legal and Constitutional Affairs is one of those committees. I am also asking him what subject matter that committee will be considering, since we are asking leave of the Senate to adjourn so that it may sit.

The Hon. the Speaker: Is leave granted, honourable senators?

Some Hon. Senators: Agreed.

The Hon. the Speaker: I hear no dissenting voice. Leave is granted.

The Senate adjourned until Thursday, December 5, 2002, at 1:30 p.m.

Speech delivered by the Hon. Willie Adams
on second reading of Bill C-10, November 20, 2002
(pages 384-385)

[illegible]

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OFFICIAL REPORT
(HANSARD)

Thursday, December 5, 2002

—

THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Thursday, December 5, 2002

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

EIGHTY-FIFTH ANNIVERSARY OF HALIFAX EXPLOSION

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I rise today to commemorate the eighty-fifth anniversary of the Halifax Explosion on December 6, 1917. The explosion in Halifax of that year was a bit like our Ground Zero. Many Canadians do not know that, in a city of 50,000 people, over 2,000 died either as a direct or indirect result of the collision of two ships, the *Imo* and the *Mont Blanc*, in Halifax Harbour.

My father was a high school student. He watched the windows of his classroom implode on the students. Those children made their way home through the streets of Halifax to discover that friends' homes had disappeared from sight. He was luckier in that when he reached his home, although the roof had come off the top of the building, the house was still habitable in the basement and the main floor. That is where 10 children awaited the arrival of their father.

When their father arrived, like so many Haligonians and some Dartmouthians, the children learned that he was injured. A piece of shrapnel had gone into his leg. Although, today, that would be a minor injury, in December of 1917 it was an injury that led to gangrene and eventual death.

The 10,000 people who were injured included two characters to whom my father referred — Bill "Peewee" Shea and Bernard "Kid" O'Neill. Peewee Shea woke up in intense darkness and realized that the men on either side of him had been killed. He heard a voice that he recognized calling him, and he ended up in Camp Hill Hospital. He was temporarily blind but did recover sight in one eye. The other eye was amputated. They fixed up his battered leg and he lived with the evidence of the explosion for the rest of his life. Many of the victims retained vivid blue lines on their bodies, particularly on their faces, as a result of the severity of the explosion. As a child growing up in Halifax, as I walked down the street, I could see who had been a victim of the Halifax Explosion.

If one looks carefully at the Estimates from that time, one will see a line item that refers to the victims of the Halifax Explosion because they were given pensions. They were considered to be war

casualties because the munitions ship *Mont Blanc*, carrying ammunition to Europe, and its collision with the *Imo* caused the Halifax Explosion, the largest man-made explosion before Hiroshima in 1945.

[Later]

Hon. Donald H. Oliver: Honourable senators, I wish to associate myself with the remarks of the Leader of the Government in the Senate, Senator Carstairs, with regard to the eighty-fifth anniversary of the Halifax explosion.

As she has already indicated, some 85 years ago, on December 6, 1917, the Belgian merchant ship *Imo* and the French munitions ship *Mont Blanc* collided in Halifax harbour. Fires then ripped through the *Mont Blanc*, forcing her crew to evacuate, and desperate measures were taken by fire crews to put out the blaze to prevent a major explosion, but to no avail. Some 21 minutes later, after the ships' collision in Canada's wartime harbour, a massive explosion struck the face of the populous north end of Halifax and flattened it along with hundreds of innocent Haligonians. A mushroom cloud rose over the harbour and a tidal wave went out to sea.

In 1917, Halifax, Nova Scotia, had a population of 50,000 people. In mere seconds, some 1,600 Canadians died and another 9,000 were injured by the blast. More than 13,500 buildings were destroyed in a split-second fire flash and 6,000 Nova Scotians became homeless. The explosion of the *Mont Blanc* was the world's largest man-made explosion in history, until an atomic bomb was dropped on the Japanese city of Hiroshima.

The Halifax explosion was a human tragedy that was then complicated by an Atlantic Canadian blizzard. Many, at the time, wondered if Halifax would survive. Survive it did, thanks to a great many Nova Scotians from outside Halifax, Canadians from across this country and the people of Boston.

I want to say something about our neighbour, the United States, in an era of popular anti-Americanism. They came through for my province in our hour of need in 1917-18. Every year since, we have shipped them the best Christmas tree we could find as a method of symbolic repayment and friendship. This year, a year after the tragedy of September 11, a Nova Scotian Christmas tree from the beautiful South Shore will stand proudly at Ground Zero in New York. We have stood proudly with our American allies in their hour of need, just as they stood with us some 85 years ago. From tragedy and hardship come strength, wisdom and, most important, love: a lesson Nova Scotia learned a long time ago.

CRIMINAL CODE FIREARMS ACT

DIVISION OF BILL— ACCURACY OF MESSAGE TO COMMONS

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I wish to formally record my dissatisfaction with the message sent to the House of Commons yesterday because I am convinced that, as written, it confirms that the Senate has trespassed on the rights and privileges of the other place. Had the message read that the Senate felt that Bill C-10 was best dealt with by dividing it in two, in accordance with its subject matters, and requested concurrence before proceeding any further, the Senate would have shown a respect for the other place without which Parliament cannot function properly. As it is, the Senate has asked for concurrence after the fact and, to add insult to injury, gave no reason.

The fate of Bill C-10 was determined with the complicity of the government, leaving the duly elected representatives completely in the dark during the entire time. I, for one, do not care to be identified with the message and am pleased that members on all sides in the other place have already raised appropriate questions of privilege.

[Translation]

ROUTINE PROCEEDINGS

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FIFTH REPORT OF COMMITTEE PRESENTED

Hon. Lise Bacon, Chairman of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, December 5, 2002

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

FIFTH REPORT

Your Committee recommends that the following funds be released for fiscal year 2002-2003.

Aboriginal Peoples (Legislation)

Professional and Other Services	\$ 4,000
Transport and Communications	\$ 300
Other Expenditures	\$ 700
Total	\$ 5,000

Banking, Trade and Commerce (Legislation)

Professional and Other Services	\$ 11,500
Transportation and Communications	\$ 1,000
Other Expenditures	\$ 2,500
Total	\$ 15,000

• (1340)

Energy, the Environment, and Natural Resources (Legislation)

Professional and Other Services	\$ 10,000
Transportation and Communications	\$ 500
Other Expenditures	\$ 1,000
Total	\$ 11,500

Internal Economy, Budgets and Administration

Professional and Other Services	\$ 3,000
Transportation and Communications	\$ 0
Other Expenditures	\$ 0
Total	\$ 3,000

National Finance (Legislation)

Professional and Other Services	\$ 3,000
Transportation and Communications	\$ 0
Other Expenditures	\$ 0
Total	\$ 3,000

Rules, Procedure and the Rights of Parliament

Professional and Other Services	\$ 7,400
Transportation and Communications	\$ 0
Other Expenditures	\$ 0
Total	\$ 7,400

Social Affairs, Science and Technology (Legislation)

Professional and Other Services	\$ 2,500
Transportation and Communications	\$ 0
Other Expenditures	\$ 0
Total	\$ 2,500

Transport and Communications (Legislation)

Professional and Other Services	\$ 10,000
Transportation and Communications	\$ 0
Other Expenditures	\$ 0
Total	\$ 10,000

LISE BACON
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator Bacon: Honourable senators, with leave of the Senate and notwithstanding rule 57(1)(g), I move that the bill be placed on the Orders of the Day for second reading later this day.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

On motion of Senator Bacon, report placed on the Orders of the Day for consideration later this day.

[English]

ENERGY, THE ENVIRONMENT
AND NATURAL RESOURCES

BUDGET—REPORT OF COMMITTEE PRESENTED

Hon. Tommy Banks, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, December 5, 2002

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

FOURTH REPORT

Your Committee, which was authorized by the Senate on November 7, 2002, to examine and report on emerging issues related to its mandate, respectfully requests, that it be empowered to adjourn from place to place within Canada, to travel outside Canada and to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of such study.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

TOMMY BANKS
Chair

(For text of Budget, see today's Journals of the Senate, Appendix "A", p. 315.)

The Hon. the Speaker: When shall this report be taken into consideration?

On motion of Senator Banks, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

AGRICULTURE AND FORESTRY

BUDGET—REPORT OF COMMITTEE PRESENTED

Hon. Donald H. Oliver, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Thursday, December 5, 2002

The Standing Committee on Agriculture and Forestry has the honour to present its

SECOND REPORT

Your Committee, which was authorized by the Senate on October 31, 2002 to examine the impact of climate change on Canada's agriculture, forests and rural communities and the potential adaptation options focusing on primary

production, practices, technologies, ecosystems and other related areas, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of the Committee's examination and to adjourn from place to place within Canada and to travel outside Canada for the purpose of such examination.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operations of Senate Committees*, the Budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report of said Committee are appended to this report.

Respectfully submitted,

DONALD H. OLIVER
Chair

(For text of report, see today's Journals of the Senate, Appendix "B", p. 323.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Oliver, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

TRANSPORT AND COMMUNICATIONS

BUDGET—REPORT OF COMMITTEE PRESENTED

Hon. Joan Fraser, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, December 5, 2002

The Standing Senate Committee on Transport and Communications has the honour to present its

SECOND REPORT

Your Committee, which was authorized by the Senate on Wednesday, October 30, 2002, to examine and report on issues facing the intercity bus industry, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its study.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JOAN FRASER
Chair

(For text of report, see today's Journals of the Senate, Appendix "C", p. 331.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Fraser, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

FOREIGN AFFAIRS

BUDGET—REPORT OF COMMITTEE PRESENTED

Hon. Peter A. Stollery, Chair of the Standing Senate Committee on Foreign Affairs, presented the following report:

Thursday, December 5, 2002

The Standing Senate Committee on Foreign Affairs has the honour to present its

SECOND REPORT

Your Committee, which was authorized by the Senate on Thursday, November 21, 2002 to examine and report upon the Canada — United States of America trade relationship and the Canada — Mexico trade relationship, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to adjourn from place to place in Canada for the purposes of its examination.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

PETER A. STOLLERY
Chair

(For text of report, see today's Journals of the Senate, Appendix "D", p. 337.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Stollery, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

COPYRIGHT ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Michael Kirby, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, December 5, 2002

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

FIFTH REPORT

Your Committee, to which was referred Bill C-11, *An Act to amend the Copyright Act*, in obedience to the Order of Reference of Wednesday, October 30, 2002, has examined the said Bill and now reports the same without amendment.

Respectfully submitted,

MICHAEL KIRBY
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Day, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

• (1350)

NATIONAL SECURITY AND DEFENCE

BUDGET—REPORT OF COMMITTEE PRESENTED

Hon. Colin Kenny, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Thursday, December 5, 2002

The Standing Senate Committee on National Security and Defence has the honour to present its

THIRD REPORT

Your Committee, which was authorized by the Senate on Wednesday, October 30, 2002, to examine and report on the need for national security policy for Canada, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to adjourn from place to place within Canada and to travel inside and outside Canada, for the purpose of such study.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

COLIN KENNY
Chair

(For text of report, see today's Journals of the Senate, Appendix "E", p. 345.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Kenny, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

FOREIGN AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY THE EUROPEAN UNION

Hon. Peter A. Stollery: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Foreign Affairs be authorized to examine the consequences for Canada of the evolving European Union and on other related political, economic and security matters;

That the papers and evidence received and taken during the First Session of the Thirty-seventh Parliament be referred to the Committee; and

That the Committee report to the Senate no later than March 31, 2004.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY EMERGING DEVELOPMENTS
IN RUSSIA AND UKRAINE

Hon. Peter A. Stollery: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Foreign Affairs be authorized to examine emerging political, social, economic and security developments in Russia and Ukraine; Canada's policy and interests in the region; and other related matters;

That the papers and evidence received and taken during the First Session of the Thirty-seventh Parliament be referred to the Committee; and

That the Committee report to the Senate no later than March 31, 2004.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO
STUDY ISSUES RELATED TO FOREIGN RELATIONS

Hon. Peter A. Stollery: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Foreign Affairs, in accordance with rule 86(1)(h), be authorized to examine such issues as may arise from time to time relating to foreign relations generally;

That the papers and evidence received and taken during the First Session of the Thirty-seventh Parliament be referred to the Committee; and

That the Committee report to the Senate no later than March 31, 2004.

NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO MEET
DURING SITTING OF THE SENATE

Hon. Colin Kenny: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on National Security and Defence have power to sit on Monday next, December 9, 2002, even though the Senate may be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO DEPOSIT REPORT WITH CLERK DURING
ADJOURNMENT OF THE SENATE

Hon. Colin Kenny: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Security and Defence be permitted, notwithstanding usual practices, to deposit its interim report on national security with the Clerk of the Senate during the Christmas adjournment, and that the report be deemed to have been tabled in the Chamber; and

That copies of the report be made available to all Senators in their offices and by e-mail at the time of tabling.

QUESTION PERIOD

CRIMINAL CODE
FIREARMS ACTDIVISION OF BILL—ACCURACY OF
MESSAGE TO COMMONS

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, this question would more appropriately be addressed to the Chairman of the Standing Senate Committee on Legal and Constitutional Affairs, but I know he is unavoidably absent. I will direct it to the Leader of the Government in the Senate, who may want to take it under advisement. It has to do with Bill C-10. To paraphrase Lewis Carroll, the saga of Bill C-10 get curiouser and curiouser.

Your Honour assured us that the message sent to the House of Commons yesterday included Bill C-10. That was made clear at least four times. Yet, last night, the Standing Senate Committee on Legal and Constitutional Affairs had on its agenda Bill C-10. On its agenda this morning, we see reference to Bill C-10; and on an agenda for a meeting on Wednesday, December 11, and again on Thursday, December 12, we see Bill C-10.

The question is: Has Bill C-10 been returned? Did it ever get to the House of Commons? Can it be in two places at once?

I am referring to formal notices of committee meetings. Once again, as the question was asked yesterday: Where is Bill C-10?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator knows, that is the work of the committee. It is not my work. The honourable senator is quite right when he says that the person to ask that question of is not me but rather the chair of the committee. Unfortunately, he is not here today. I do not even know whether the deputy chair of the committee is here. Perhaps he could afford a reply to that question.

Senator Bolduc: He is always here.

[Translation]

Senator Lynch-Staunton: Can Senator Beaudoin explain to us why his committee, according to the four notices sent to its members, is continuing to consider Bill C-10? Yesterday, the Speaker of the Senate told us, at least four times, that Bill C-10 was included in the message sent to the House of Commons. This is a fact-finding question.

Is Bill C-10 still before the committee? If so, it is not included with the message. If it is part of the message, it cannot be before the committee. I would like to have it explained to me how a bill can be in two places at once.

Hon. Gérard-A. Beaudoin: First of all, Bill C-10 does still exist. Second, we have sought the consent of the House of Commons. That consent is or is not forthcoming. If it is, the bill will be legally split in two in the House of Commons.

I have always used the term Bill C-10, but added "Part I" and "Part II" or "Document A" and "Document B." I have been very cautious. I have also referred to the two other documents that might be forthcoming from the House of Commons.

I confirm that Bill C-10 does still exist in pure law, that is certain, because we are asking that it be divided in the House of Commons. That is the precise moment at which the bill will become two. That is all I can say at this stage.

• (1400)

The legal aspect of the situation seems very clear to me. This is why I always use the words, yes, it is Bill C-10, Part I, Part II, or Document A, Document B. Right now, Bill C-10 has been sent back to the House of Commons, but only Document A will be debated by the other place.

It is so true that, in our message, we asked that, as regards Part II — that is Document B — the Standing Senate Committee on Legal and Constitutional Affairs proceed with its review. This has already been done; the committee sat yesterday and today, and it will sit on Tuesday, Wednesday and Thursday, next week. From a strictly legal point of view — and I will only deal with this aspect — this appears to be the situation.

[English]

Hon. Terry Stratton: Honourable senators, I wish to ask a supplementary question of the Deputy Chair of the Standing Senate Committee on Legal and Constitutional Affairs.

I understand that yesterday, one of the witnesses from the Department of Justice mentioned the so-called study of the "alleged" bill. In committee, when we were discussing whether we had a real bill, it was referred to as an "alleged" bill by members of the committee as well as by the witness, although he said it facetiously.

There was a question as to the reality of whether we had a bill. Some of us on our side questioned that, and some of us agreed to hear witnesses under protest because we had no indication of whether a true bill was in front of us. Was that not the honourable senator's recollection?

Senator Beaudoin: Honourable senators, I have always been very prudent when dealing with questions of legality because that is fundamental, but I still say that bill Bill C-10, legally speaking, exists in the House.

As far as the study of Bill C-10B is concerned, I would point out that this is a pre-study until there is concurrence. Only when the House of Commons concurs with the message of the Senate — and I do not know if that will happen — can the bill be divided. Then we will have Bill C-10A and Bill C-10B. I will refer to those two documents as Bill C-10A and Bill C-10B only for the moment.

We are in the situation where Bill C-10A and Bill C-10B are the subjects of studies. If it is accepted by the House of Commons, the first part of the bill will become Bill C-10A. As a natural reaction, some may laugh at that whole concept. I have not modified my view of what is happening, and I will not. I await the "verdict," if I may use that expression, although it is constitutional and not criminal law. Only at that moment will we know what will happen. With respect to the study the committee members did, yesterday, on the second part of Bill C-10 and that we continued this morning, I believe it was quite appropriate. I see no problem with it.

Senator Stratton: Under protest.

Senator Beaudoin: However, of course, if the House does not concur in what is proposed, that will be another story, and not a very interesting one, in my opinion. If there is concurrence, to me, it will mean that we have created a new precedent, the only one since 1867. That is not bad at all.

LIBRARY OF PARLIAMENT

RECEPTION OF BILL C-10

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my question is for the co-chair of the Standing Joint Committee on Library of Parliament. Can the honourable senator advise the house whether Bill C-10 has arrived in the parliamentary library, which is halfway between the House of Commons and this place?

Hon. Sharon Carstairs (Leader of the Government): Not these days.

Hon. Fernand Robichaud (Deputy Leader of the Government): It was rumoured that they saw it going through.

CITIZENSHIP AND IMMIGRATION

DENIAL OF APPEAL FOR LANDED IMMIGRANT STATUS OF NIGERIAN FAMILY

Hon. A. Raynell Andreychuk: Honourable senators, a Nigerian mother and her four daughters have been taken into a shelter in a Calgary church because their claim for refugee status was denied. The mother claims that her daughters, if returned to Nigeria, will be subjected to the cultural practice of female genital mutilation. This custom has been known to cause death and has been classified by the Canadian Immigration and Refugee Board as persecution. In 1993, Canada became the first country to make this practice a ground for granting refugee status.

Can the Leader of the Government in the Senate advise me what the government will be doing in light of the fact that the appeal by this family has been denied? Will the minister consider humanitarian grounds, as it would appear that the appeal board did not take this issue very seriously? This is a serious problem that is not geographically restricted to northern Nigeria. I would suggest that any child within the boundary of Nigeria could be subject to this practice. What is the minister's position? What is the government's position in assisting these four children?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for her questions. However, I do not think it is appropriate to suggest that an independent agency did not do its work properly.

Several boards have been established. Individuals have a right to lay appeals. In this case, the appeal was denied and due process was certainly followed. Having said that, as the honourable senator knows, the minister has taken a direct interest in this case, and it is my understanding that the department is looking seriously at it.

Senator Andreychuk: I believe that the practice now is to indicate that, if a family comes from a particular region of Nigeria, then the claim will be taken more seriously than others where the practice, allegedly, is not as widespread.

Given the fact that it is difficult within one sovereign state to deny access to leaders who think this practice is appropriate, is there any reconsideration of directives to the Immigration Appeal Division which would suggest that their decisions should be framed in a more global way?

In light of the fact that we are talking about four female children and a practice that Canada has said is horrific, unnecessary and contrary to any humanitarian conduct, will the minister intervene? We have led the attack internationally and nationally. Will the minister not intervene for the sake of these four children?

Senator Carstairs: As the honourable senator knows, I cannot comment on the exact specifics of this case, nor can the Minister of Immigration in the other place.

The honourable senator has made a statement with respect to female genital mutilation, and I apologize for my hesitation, honourable senators, but I find that practice of mutilation so incredibly offensive that I have difficulty repeating that word. I do not think it should be done on a geographic basis. It should be based on the principle that Canada has taken a strong stand on the practice. We would assume, therefore, that all our agencies and appeal boards would recognize the position taken by the Government of Canada, that this practice is not tolerable.

• (1410)

Senator Andreychuk: I appreciate the fact that the minister joins me in condemning this practice. I ask that she take this matter to the minister as a specific request on humanitarian grounds.

Senator Carstairs: I can assure the honourable senator that I will make that representation.

To inform honourable senators of the process in my office, all questions are monitored every single day. As soon as one of us asks for something to be brought forward to the minister, it is done so later that afternoon. This request will certainly get that extra special treatment.

FOREIGN AFFAIRS

RECOGNITION OF HEZBOLLAH AS TERRORIST ORGANIZATION

Hon. David Tkachuk: Honourable senators, I wish to ask a question on an event reported in the *Washington Times* on December 4 and again today in the *National Post*. It is about two speeches made by Sheik Hassan Nasrallah, the leader of the Hezbollah in Lebanon. One was to an estimated "10,000 gun-toting, bearded fighters in southern Lebanon on Friday." He said,

By Allah, if they touch Al Aqsa we will act everywhere around the world.

He was referring to a Muslim site in Jerusalem. He then goes on to say at another rally in the Bekaa Valley:

Martyrdom operations — suicide bombings — should be exported outside Palestine.

I encourage Palestinians to take suicide bombings worldwide. Don't be shy about it.

At one of the rallies there were several hundred suicide commandoes as well.

I also read in the *National Post*, today, that the Liberal federal government is thinking about banning all Hezbollah organizations in Canada, including those outside of the military group. As a cabinet minister, does the leader support placing all Hezbollah organizations in Canada under the Terrorist Act, Bill C-36?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as you know, there is a clear process under Bill C-36 as to how an organization can be listed under the provisions of that act. Obviously, the speeches to which the honourable senator referred today will become part of the evidence of any investigation with respect to this particular organization. However, I wish to tell the honourable senator that I will wait, as I believe all ministers must, for the evidence and its presentation.

Senator Tkachuk: Honourable senators, does the minister have any idea as to when the cabinet will deal with this issue? I am dealing only from newspaper reports, and that is why I am asking a cabinet minister. However, my understanding is that it will be in the near future. When we talk about "the near future," are we talking about before Christmas or will we be postponing the banning of this terrible organization in this country until well into the next year?

Senator Carstairs: Honourable senators, all I can say is that information is presented to us by CSIS and recommendations are made. We hear that evidence and make decisions. That is how Hamas was put on the list one week ago. That process is continuing not only for Hezbollah but also for a number of other organizations. When it comes to cabinet and is decided, it will be released to the Canadian public.

Senator Tkachuk: Honourable senators, the minister has been defending, in this place, the other two groups on the basis that they do social and cultural — whatever that is — work overseas on behalf of their organizations. That is why they have been exempted from being placed under Bill C-36. I take it that the new evidence is showing that the government was wrong and that these organizations actually are funding terrorist activities around the world?

Senator Carstairs: Honourable senators, the information is still being gathered. When it is presented to cabinet, cabinet will make a decision.

REVIEW OF ASSESSMENT PROCESS FOR RECOGNIZING TERRORIST ORGANIZATIONS

Hon. A. Raynell Andreychuk: Honourable senators, I supported this policy, that we separate the humanitarian, education arm from the political arm. In the 1980s, that seemed to make sense because we had limited communications, and we were looking at organizations like ANC at the time. It would be very difficult for someone who joined ANC in South Africa to know what was happening in the political arm in Zambia or Libya. There has been merit in not restricting the humanitarian arm. However, in light of cell phones, CNN, and the Internet, everyone seems to have some access. Perhaps it is time for the Canadian government to reassess its policy with a view to stating that, if you join an organization that has a political wing, you will be tainted. Such a policy would be in keeping with our message in the International Criminal Court. We are strongly supporting that court, which

says, as part of its policy, that they do not care if it is a general or a soldier, president or constituent, if they are culpable for a crime against humanity, they will be equally charged. We need to reconsider organizations, not just Hezbollah, in that light and give a clear signal to those who wish to come to Canada that you cannot use that excuse. In a modern world, that would make more sense.

Is the government reassessing its entire assessment process of these organizations?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as organizations are presented to cabinet, all these issues are debated and discussed. Clearly, the easier ones to deal with have only one purpose, which is a terrorist purpose. They become easy to categorize.

I respect the contribution that has just been made by the honourable senator and I can assure her, since I will be part of those deliberations, that I will take that suggestion under consideration.

THE ENVIRONMENT

COSTS OF KYOTO PROTOCOL

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. The media reported that, on Monday, the federal government intends to push through ratification of the Kyoto Protocol without consultation from the provinces and territories and without making the true costs known to all Canadians. If the unknown costs related to ratification of the Kyoto Protocol skyrocket, the federal government may well blame the provinces for any cost overruns, just as today it blamed the provinces, in part, for the gun registry costs.

When the registry was originally announced, Canadians were told it would cost \$2 million. No solid estimate can be given for costs with regard to Kyoto. In light of the Auditor General's inquiry into the gun registry, Canadians have every right to be worried about the federal government's management skills. Why should Canadians believe the government about the costs of the Kyoto Protocol when they could not trust the federal government about the costs of the gun registry?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I will begin with the honourable senator's opening remark, with which I totally disagree. The honourable senator has indicated that there has not been consultation with the provinces and territories. That is false. There have been five years of consultations between the provinces, the territories and the federal government. Those consultations are open to continue, provided that the provinces and the territories give up their position right now. They are not willing to sit down and have debates and discussions, which is why the last two meetings have been cancelled.

Senator Lynch-Staunton: The Prime Minister said, no.

JUSTICE

AUDITOR GENERAL'S REPORT—FIREARMS REGISTRY PROGRAM—RESPONSIBILITY FOR COST OVERRUNS

Hon. Terry Stratton: Honourable senators my question is to the Leader of the Government in the Senate. It is obvious, except to the government, to our great misfortune, that the Gun Registry Program is not working. Instead of accepting responsibility for this fiasco, we have the Prime Minister deflecting blame everywhere but where it lies: with the justice ministers responsible for the program.

Today, in an interview with *The Globe and Mail*, the Prime Minister said:

We expected that the provinces were going to help us, and in some places they did not; they made it very difficult for us...The gun lobbyists, the people against it made sure it was difficult to operate and it cost more.

Honourable senators, this directly contradicts the Auditor General, who made it clear in her report that the Justice Department is responsible for the cost overruns. Who is right? The Prime Minister or the Auditor General?

• (1420)

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, with the greatest respect, the Minister of Justice and the Auditor General are in no conflict at all. In her report, the Auditor General indicated that a number of factors contributed to the cost overruns. She also indicated that the Department of Justice was under a heavy responsibility. The Minister of Justice has accepted that heavy responsibility.

Senator Stratton: Honourable senators, it would be nice to get an answer to the question.

We always worry about governments. References have been made to the cost overruns on gun control and the unknown costs with respect to the Kyoto Protocol. That is a large issue. If this government were a business such as WorldCom or Enron, those in charge of such gross financial mismanagement would be fired and, quite possibly, prosecuted for their incompetence.

The Prime Minister is intent on deflecting blame. However, all honourable senators know that the former Ministers of Justice Allan Rock and Anne McLellan, as well as the current Minister of Justice Martin Cauchon, have to answer for this spending.

Parliament was not made aware of these cost overruns. Honourable senators are wondering whether these circumstances were occasioned with malice of forethought, because it was consistent all the way through. Will there be an inquiry as to who signed off on the gun registry spending without informing Parliament of the true costs?

Senator Carstairs: The honourable senator raises the issue of accountability. Let us examine that. Since 1995, successive Ministers of Justice have reported to Parliament at least 57 times on the program and its cost through the Main

Estimates, Supplementary Estimates and through the annual appearances before the Standing Committee on Justice and Human Rights. The Auditor General has stated, and I quote, "All of the spending was approved by Parliament."

Senator Stratton: Honourable senators, I do not disagree. Honourable senators examined the matter in this place, and we kept raising the issue. I kept raising the issue consistently, in this chamber, with the leaders on the other side, year after year, ever since 1995. It was brushed off. The other side saw it as not being a huge issue. They said they had things under control. Minister Rock told honourable senators not to worry and that he would guarantee the program would not cost more than \$85 million, with a recoverability of \$80 million.

The honourable senator cannot tell me that something is not rotten in the "state of Denmark," given the way the Justice Department has reported these costs.

We have to take the House of Commons to task for not doing an appropriate job here.

Senator Carstairs: I thank the honourable senator for his question. I appreciate the comments he has made about the estimate process in the other chamber.

If honourable senators look at today's issue of the *Ottawa Citizen*, it did its research with respect to finding quotations from ministers. One quotation cites the minister as saying, on May 5, 1999:

Allan Rock...indicated that the startup costs...would be \$85 million. Last year I indicated...

— this is Anne McLellan —

...that the startup costs had in fact increased and would be \$120 million.

The total costs over the five-year period from 1995 to 2000...

— she is quoted as saying on May 10, 2000 —

...are \$327 million.

There were ample opportunities, I would suggest, for intervention from members of the opposition. It was clear that the minister was being forthright with Parliament, that these figures were getting higher and higher.

[Translation]

Hon. Roch Bolduc: Honourable senators, this is going too far. You are not answering the question. Parliament is the government on the other side. Yes, it is the government, and it is a majority government!

I want to go back to this fundamental issue. The Auditor General is proposing an improved definition of accountability. This is what it is all about. She insists on the means used and on the results achieved. The second point is that this improved definition includes obligations for all the parties, while the third point is that she insists on the fact that managers and Parliament

must examine performance and determine what the appropriate consequences for managers should be. In this case, the manager is the minister. It is Mr. Rock. He said firearm registration would cost \$85 million, and we are now at \$1 billion. No business would operate like that. People would lose their jobs, including the president, the vice-president and everyone else. In this case, the minister is quite comfortable. They are even promoting him. This is nonsense. When costs begin at \$100 million and end up at \$1 billion, it means that spending has increased tenfold. Parliament is the government, and the government has a majority. The minister should do his job. Not only Mr. Rock, but also Ms. McLellan, should resign and resign soon.

[English]

Senator Carstairs: Honourable senators, as an example of the fact that the minister is doing his job, the supplementary funds for the firearms program, in the amount of \$72 million, has, as of today, been pulled from the Supplementary Estimates. It has been pulled because the honourable minister recognized that there were serious concerns. Yesterday, the minister indicated that he would take action and, as of this morning, he is taking action.

CRIMINAL CODE FIREARMS ACT

DIVISION OF BILL—ACCURACY OF MESSAGE TO COMMONS—POINT OF ORDER

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I rise on a point of order arising from the Question Period. It is a point of order I wish to raise on behalf of His Honour and all honourable senators. It appears that Bill C-10 is still before the Standing Senate Committee on Legal and Constitutional Affairs and, therefore, did not accompany the message that was transmitted to the House of Commons yesterday. The bill cannot be in both places.

From what the Deputy Chair of the Standing Senate Committee on Legal and Constitutional Affairs has told honourable senators, the matter is still before that committee until, if I understand it correctly, the splitting which was approved in this chamber is agreed to in the House of Commons.

If my interpretation is correct, Bill C-10 is before a Senate committee and, therefore, His Honour's assurance, at least four times yesterday, that it was accompanying the message, might have been over-optimistic.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, we dealt with this issue yesterday. We are now going back door, front door, over the top and underneath.

It is totally inappropriate to challenge the Speaker on a ruling he made yesterday. If the Speaker's ruling was to be challenged, it should have been done so yesterday. Honourable senators chose not to do that, and the Speaker's ruling stands.

[Senator Bolduc]

Senator Lynch-Staunton: There was no challenge of the Speaker's ruling. It is a question of supporting the affirmation and the hope that honourable senators will look into the possibility, based on a point of order raised here, that Bill C-10 is still before the committee and, therefore, did not accompany the message that the Clerk was instructed to transmit to the House of Commons.

It has nothing to do with the Speaker's ruling. It has to do with the facts as they were stated yesterday and the facts that are stated today, both of which are in contradiction to one another.

Senator Carstairs: Honourable senators, the report of the Standing Senate Committee on Legal and Constitutional Affairs which came before us last week clearly indicated that the remaining part of the bill, now classified as Bill C-10B, would remain with the committee.

Senator Lynch-Staunton: That is correct. However, on the notices of committee meetings and the agendas for yesterday and today, as well as next Wednesday and Thursday, it states Bill C-10, not Bill C-10A or Bill C-10B.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, if we reread the answer given by the vice chair of the committee — given earlier today — we would find the answer to this question.

[English]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I wish to underscore the fact that the opposition has not ever questioned or appealed a decision of the Speaker of this place in recent times, unlike our friends opposite.

However, there is a great line written by Shakespeare that states that when things are out of joint, oh! curse, it is in spite. The mismanagement of this bill by the government has placed things out of joint. Instead of simply allowing the committee to follow the instruction given by the Senate to split the bill in committee, bring that action back to the Senate and send the message over to the House of Commons, no, they were greedy. They wanted to try to slip in the third reading of one part of the split bill.

• (1430)

I accept, because I was watching the proceedings in the other place earlier today, that they have received the message. I believe, based on the evidence and the undertaking of yesterday, that the message was sent and that the attachments to the message included Bill C-10.

Honourable senators, the point is that Bill C-10 is not in the Senate. Therefore, it is inappropriate for the Senate committee to think it is seized of it. If anything is out of joint, it is the attempt in the Standing Senate Committee on Legal and Constitutional Affairs to think that it is seized of something that no longer exists in this house.

[Translation]

Senator Robichaud: Honourable senators, I cannot allow the comment from across the way, to the effect that they never appealed the Speaker's ruling, to stand. We appealed at one point. I myself appealed a Speaker's ruling, clearly, at the time of the ruling. However, I believe that, at one point, they tried to appeal a Speaker's ruling, or to question it, not by the front door, but by every other door available. They should not accuse us because we appealed a decision. If we did so, it was done clearly and directly.

[English]

Hon. Anne C. Cools: Honourable senators, this issue will remain muddled and unsettled. It seems to me that every single day we get more of the same.

Many of these questions have now been raised on many different occasions. I raised a question about under what authority was the Standing Senate Committee on Legal and Constitutional Affairs sitting yesterday. I raised that in the committee and got nowhere because the way of dealing with many questions around here is not to deal with them. The negative newspaper coverage that we are seeing on the firearms program costs is one of the grand results.

The fact of the matter is this Senate chamber referred Bill C-10 to the Legal Affairs Committee. The bill was committed to a committee, which means the chamber no longer had it. It was no longer in the possession of this house.

The committee divided the bill. It then reported that it had divided the bill and was holding on to a part of the bill.

The question comes back, again and again, to the fact that, out of the blue, without instruction from this chamber, without any decision of this chamber, without any judgment of this chamber to do so, a particular statement appears in the message to the other place.

Senator Robichaud: This is out of order.

Senator Cools: We talked about this yesterday.

The Hon. the Speaker: On the note that we talked about it yesterday, senator —

Senator Cools: I am not talking about yesterday.

Senator Robichaud: Order, order!

The Hon. the Speaker: I have been listening for something new. The honourable senator is getting into matters with which we have dealt. Accordingly, under the rules, I will exercise my privilege as the presiding officer on this particular occasion to indicate that I have heard argument on the point of order raised

by the Honourable Senator Lynch-Staunton, which I take to be whether the proceedings of the committee is in order. Senator Lynch-Staunton read from the committee agenda.

The first matter to be dealt with is whether that is a matter for this chamber or whether the committee is seized of that exclusively.

I will take the matter under consideration and bring back a ruling to the chamber.

ABORIGINAL PEOPLES

BUDGET—REPORT OF COMMITTEE PRESENTED

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

Hon. Thelma J. Chalifoux, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Thursday, December 5, 2002

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

SECOND REPORT

Your Committee, which was authorized by the Senate on Tuesday, October 29, 2002, to examine and report upon issues affecting urban Aboriginal youth in Canada, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to adjourn from place to place in Canada, for the purpose of its examination.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

THELMA J. CHALIFOUX
Chair

(For text of report, see today's Journals of the Senate, Appendix "F", p. 359.)

The Hon. the Speaker: When shall this report be taken into consideration, honourable senators?

On motion of Senator Chalifoux, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

ORDERS OF THE DAY

EXPORT AND IMPORT OF ROUGH DIAMONDS BILL

THIRD READING

Hon. Nick G. Sibbeston moved the third reading of Bill C-14, providing for controls on the export, import or transit across Canada of rough diamonds and for a certification scheme for the export of rough diamonds in order to meet Canada's obligations under the Kimberley Process.

He said: Honourable senators, I am pleased to speak today on the third reading of Bill C-14, which will provide controls for the export, import and transit across Canada of rough diamonds and which will establish a certification scheme for the export of rough diamonds.

As I said at second reading, it is important to understand the international concern that persists about the link between the illicit international trade in rough diamonds and armed conflict, particularly in Angola, Sierra Leone and the Democratic Republic of Congo. While conflict diamonds constitute a very small percentage of international diamond trade, they have had a devastating impact on peace, security and sustainable development in affected countries.

The Kimberley Process is the principal international initiative established to develop practical approaches to the conflict diamond challenge. It was launched to address peace and security concerns, as well as to protect several national economies that depend on the diamond industry.

The process now includes 48 countries involved in producing, processing, importing and exporting rough diamonds. These countries account for 98 per cent of the global trade in and production of rough diamonds, and they include all of Canada's major diamond-trading partners.

Honourable senators, last month, the participating countries met in Switzerland and renewed their commitment to the certification scheme and to the target implementation date of January 1, 2003. The proposed international certification scheme includes the requirement that all shipment of rough diamonds imported to or exported from Canada be certified under the scheme. It bans trade in rough diamonds with countries that do not participate in the scheme. Bill C-14 establishes the trade regulation regime necessary to participate in the Kimberley Process rough diamond certificate scheme.

● (1440)

I would thank the members of the Standing Senate Committee on Energy, Environment and Natural Resources for reviewing Bill C-14. The committee examined the bill in the context of international trade and the structure of the diamond industry. At committee, we heard some of the points raised by Senator Bolduc at second reading debate. We were informed of Canada's approach to other countries to ensure that the Kimberley Process certificate scheme would not be open to challenge at the World Trade Organization. We also heard that the Canadian certification scheme would be audited, on an ongoing basis, for its effectiveness and with a view to introducing cost recovery measures. Finally, we were informed in committee of the

measures that the diamond industry would take to extend the warranties on diamonds to polished stones and to jewellery.

Honourable senators, the exploration and mining industry, the diamond cutting and polishing industry, and the jewellery industry are dependent on access to the export markets and, therefore, on Canada's participation in the Kimberley Process.

Passage of Bill C-14 will put in place all of the authorities required for Canada to meet its commitments under the international Kimberley Process. The early passage of Bill C-14 will ensure that these authorities are in place by year-end, when the process is planned for international implementation.

In conclusion, honourable senators, I ask for your support in passing this important bill so that Canada can be in a position to implement the Kimberley Process, in concert with our global partners.

Hon. Senators: Hear, hear!

Motion agreed to and bill read third time and passed.

Hon. Anne C. Cools: Could all honourable senators hear the text of that message?

The Hon. the Speaker *pro tempore*: It is ordered that a message be sent to the House of Commons to acquaint that House that the Senate has passed this bill without amendment.

SPECIES AT RISK BILL

THIRD READING—DEBATE ADJOURNED

Hon. Tommy Banks moved the third reading of Bill C-5, respecting the protection of wildlife species at risk in Canada.

He said: Honourable senators, this is an auspicious day for me, for Canada and for the government because this is the beginning of a process by which we will put into place, after more than eight years of careful planning and deliberation, a national plan that is in the interests of endangered species in our country and, therefore, in the interests of all Canadians and of all people in the world.

The policies in this bill have been almost nine years in the making; this has not been a random process. It is fair to say that no other bill has received longer or more careful consideration, and no other bill has been created with a wider consensus, albeit grudging, but a consensus nonetheless. The bill follows nine years of listening, revising, and listening some more; nine years of rewriting, re-crafting and reworking. The result is an evolutionary process, which is a perfect word to apply to this bill, and it is the best possible result.

We heard from some that the provisions of Bill C-14 are draconian. They are not. We heard from others that this bill is toothless. It is not. It uses, at every turn, the incentive rather than the demanding initiative — the carrot rather than the stick. In the end, if all else fails, the stick is there. Great care has been taken by the government and by Parliament in developing this bill to its present state.

The first and most important thing about this bill is that science will be the basis of the initial determination as to whether a species is, in fact, at risk. The proposed act will establish the committee on the status of endangered wildlife in Canada, COSEWIC, as a legal entity. This action is welcome and long overdue. It is a compelling precedent.

COSEWIC will be the expert, it will be independent, and it will be at arm's length from the government. This proposed act will see 25 years of valuable advice from COSEWIC, and its predecessors acted upon. COSEWIC's assessments will be the basis upon which species will be included in the list under this proposed act. That will be based on the best information. We will also have the advantage, at the same time and with equal importance, of traditional Aboriginal knowledge. These recommendations will be published. The minister must, under the proposed act, respond to those recommendations within 90 days. That response will also be a matter of public record.

The government must — not may, but must — respond further within nine months in the question of whether to add a species to the list, under the proposed act, as endangered. In the absence of a government response, species introduced by COSEWIC and by the Aboriginal committee will automatically be added to the list. On the day this bill is passed, 233 species will be on the new list. All will have been recommended by COSEWIC.

The second key foundation of Bill C-5 is its objective to protect the critical habitat of species that will be listed under the proposed act. We already know that voluntary conservation efforts will be employed first. That will be the first response to protect the habitat of endangered species. Incentives will be presented to landowners and land users to encourage those voluntary efforts. That cooperative principle is the essential guiding principle of this bill.

We know that it will work because it is working already. We know that the opposite does not work. We know that a coercive approach does not work. We only have to look to the United States, where a coercive approach has been in place for over 25 years. The courts are plugged with cases that have arisen under it. It does not work, and its objectives are not being achieved.

The approach of Bill C-5 is to emphasize, in Canada, cooperation with landowners and land-users, while maintaining government accountability and having a "big stick" in its back pocket. The safety net provisions will be in place as a backup so that no species will fall through the cracks. If critical habitat is not protected through voluntary means, then the federal prohibitions will apply.

Immediately upon its proclamation, this proposed act will automatically and immediately protect any identified critically endangered species on federal lands, that is, in national parks, in marine wildlife areas, in migratory bird sanctuaries and any identified aquatic species.

On any other federal lands, if identified critical habitat is not protected within 180 days through the stewardship agreements

that are contemplated in Bill C-5 or in other federal legislation, then the responsible minister must make an order applying those critical habitat protections.

• (1450)

The third key foundation of this bill is the way in which the proposed act respects the Constitution and that protecting endangered species and the habitat of endangered species is a shared responsibility in Canada. The safety net approach contained in this bill was deliberately designed to take into account the opportunity for protection under provincial or territorial jurisdiction, with a backstop built into the bill so that the Government of Canada can act where and if necessary. The safety net approach is based on cooperation as the first step. It is now our turn to show that we do not ask more of our provincial and territorial partners than we ask of ourselves.

The fourth key foundation element is the role of Canada's Aboriginal peoples in the formation of this bill and in its implementation. We must remember the importance that they place on this legislation and the important role they have had in developing this legislation and the important role they will have in the ongoing application of this legislation. We need their ongoing involvement and their significant contributions and their knowledge, which turns out often to be better based and more clearly thought out and more experientially based than the mere scientific knowledge. This bill will establish a national Aboriginal council on species at risk.

I also want to refer to farmers, landowners and land users and the prohibitions against the destruction of critical habitat, which I know is a question that has been brought to the attention of many honourable senators. It is a concern not just of landowners but also of land users, and not just in rural Canada. This bill contemplates fair and reasonable compensation being provided to anyone who suffers a loss from the extraordinary impact of the critical habitat provisions of the bill. We need a chance to apply practical experience in implementing the stewardship and recovery provisions of this legislation in dealing with those questions of compensation. The experience that we gain will be complemented by consultation with everyone who has a stake in building a system that works for species at risk and for the habitats of species at risk.

In the last few weeks, we heard, in committee, testimony from many Canadians, on all sides of this issue. We listened carefully to those witnesses. We listened to industry associations, miners, people in the agricultural industry, livestock operators, grain farmers and their associations, conservation groups, Aboriginal peoples, landowners and groups of farmers. We have heard diverse points of view. We have heard some say that the law is not strong enough and that it requires improvement. Others said that it is too strong. We also heard a lot of support for the stewardship approach. We had our own concerns, as well.

The committee has been assiduous in addressing those concerns. We debated among ourselves and with the witnesses issues such as compensation and the non-derogation clause, to which I will return in a moment. Our discussions have been, in those respects, very useful and interesting.

I believe that we, on the committee, my colleagues and I, are satisfied with the bill in its present state on the basis of the evidence given, and we are ready to pass this legislation without amendment. We are ready because the bottom line is that although this proposal is not perfect, it represents, as we have heard before, a balance. We believe it is appropriate legislation for Canada because it emphasizes a cooperative approach, an approach based on stewardship and incentives to do the right thing, and on the constitutional spirit of our country.

Honourable senators, the bill is flexible enough to meet the demands of endangered species, whether a fish or an animal or a plant. It is also flexible enough to enlist the participation of all the people concerned: farmers, industrialists, food processors, trappers, mining companies, private landowners, and each of the provinces and territories. Without the participation of all of those elements in Canada, this legislation cannot succeed. We believe the legislation will invoke their active participation.

There is overwhelming public support in Canada for the protection of the habitat of endangered species and of other species as well. We must get this legislative framework in place so that we may begin to apply it in a practical way.

A set of observations made by members of the committee will accompany this bill, and we hope it will accompany the bill for a long time. These observations were made based on the evidence the committee heard. They ought to ensure that a sharp eye is kept out with respect to the actual, practical application of this bill, the way in which it will work, and the way in which it will affect Canada's habitat and all people concerned.

There is also the question of the non-derogation clause. The government has undertaken to introduce legislation, later on, that would have the effect of removing the non-derogation clause from this bill and from other pieces of legislation as well. I want honourable senators to understand that the committee has debated long and carefully about this question, and not for the first time. This is the fourth piece of legislation that I can think of, off the top of my head, since I have had the pleasure of being here, in which this question has been addressed and in which reservations about it have been made known to us by our Aboriginal members.

The Government of Canada has placed the non-derogation clause into successive bills that touch in any way upon matters having to do with the Aboriginal peoples of Canada. They certainly have application to the National Parks Act, the National Marine Conservation Areas Act, the Nunavut Act and the present bill. It is a clause that is simply a flag. It reminds us that protection for Aboriginal peoples is provided for in the Charter of Rights and Freedoms in respect of things which are referred to in this bill.

The clause was intended originally to literally reflect the section of the Charter to which it calls attention. In a court case which is known colloquially as *Sparrow*, the Supreme Court determined,

to put it most simply, that rights granted to Aboriginals and to anyone else in this country are never absolute and that there are circumstances in which the common will and the common public interest trump certain otherwise absolute rights. The non-derogation clause was changed a few years ago. The new, if I can put it that way, non-derogation clause began to show up in these bills, and it takes into account that Supreme Court decision so as not to be *ultra vires* of the Constitution.

The reservation that has been expressed first by our Aboriginal members and then by all of the members, I think it is fair to say of our committee that, to an extent, it may be that the present non-derogation clause actually does derogate from the provision contained in the Charter of Rights and Freedoms. Senator Sibbeston went to great lengths last year to inform the committee in respect of another bill on the reality of that, and we have heard almost *ad infinitum* from representatives from the Department of Justice and other departments in that respect. It came to the point that the committee — and I can safely say “the committee” — shared those concerns and made representations to the government that, not only in the present bill but in other bills in which the new non-derogation clause has been included, rather than take the chance of the non-derogation clause detracting from the guarantees contained in the Charter of Rights and Freedoms, it ought to be excised.

• (1500)

There is in place, now, an undertaking to me and, therefore, to the committee, by the Minister of Justice that a bill, which will be introduced in the next few months, will remove that non-derogation clause from the present act and from the three other acts to which I referred in this speech and maybe from some other acts as well. That is significant. This is particularly significant to Aboriginal members of that committee. However, I must reiterate that it became a concern of all members of the committee. It is referred to in the observations that will append the bill as it moves along.

Given those important considerations, honourable senators, I earnestly solicit your support for the passage of this landmark and important legislation.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I move the adjournment of the debate in the name of the Honourable Senator Spivak, who will speak next week. As the critic on environmental issues, I would like to reserve for her the right to have sufficient time to provide the critic's perspective.

To allow other honourable senators to speak now, however, I will not move the motion at this time, if it is acceptable that Senator Spivak be deemed the second speaker even though she will speak next week.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I agree with the request of the Honourable Senator Kinsella, that the Honourable Senator Spivak keep her right to be second speaker. This will give other senators the opportunity to speak to this today.

[English]

Hon. Lorna Milne: Honourable senators, I would prefer to speak today, and it will be deemed that the adjournment stands in the name of Senator Spivak for her full time.

Honourable senators, I cannot say how great a pleasure it is to stand in this place, after five years of defending and presenting reports as Chair of the Standing Senate Committee on Legal and Constitutional Affairs, to give my own reactions to a bill.

To start, let me say that this is a good bill. It is not a perfect bill. However, in spite of our collective efforts, I do not believe any bill passed in this place is perfect. Each bill serves as a foundation for better future legislation as we learn the final effects of forerunner legislation.

Bill C-5 is just such a piece of forerunner legislation. As Senator Banks has pointed out, it is the result of eight years of consultation between Aboriginal groups, politicians, bureaucrats, miners, foresters, landowners, hunters, fishers and farmers. Few bills have had as much study and scrutiny as this one has, and I believe the time for discussion is over.

To start with, there is a lot of content in this bill that is right. What is most important is that the science is right. All of the measures contained in this bill are triggered by a species being independently listed as threatened, endangered or extirpated. Once they are on this list, protection will be afforded. The science is provided by the Committee on the Status of Endangered Wildlife in Canada, known as COSEWIC. This council's scientific reputation is beyond reproach. They can be counted upon to provide a solid, scientific backbone for this legislation.

Under the procedures outlined in the bill, COSEWIC decides whether a species should be put on the protected list. Once that decision has been made, only a cabinet minister can step in to prevent a species from being listed. If the minister decides to do so, he must provide appropriate justification. This creates a framework where science drives the policy, but the minister and Parliament still retain the final authority.

The bill's focus on stewardship is also a bright light. There is no doubt in my mind that the people who care for Canada's species the most are those who make their living off the land: hunters, farmers, fishers and Aboriginal peoples. More than anyone else, these groups want to ensure that Canada's biodiversity is maintained for generations to come.

Under this act, broad opportunities are a given for landowners and animal users to work with Environment Canada to protect endangered species long before any punitive provisions kick in. I

believe that those who are genuinely willing to work with the government will have more than sufficient opportunity to protect both our endangered species and their own way of life in mutually beneficial ways. The government's commitment to stewardship should be applauded.

However, when the time comes for the government to get tough with those who insist on abusing Canada's ecosystem, this bill has the ability to well protect federal lands. It makes it illegal for anyone to kill, harm, harass, capture or take any listed species on federal lands. It establishes harsh punishments, with fines of up to \$250,000 and five years in jail for individuals, and fines up to \$1 million for corporations. No one can say that the government proposes to treat lightly those who would destroy our endangered species.

On the other hand, there are some problematic areas in the bill, and these will have to be addressed as time goes on. First and foremost, I will address the issue of compensation. Frankly, there are many holes in the proposals. The legislation only provides compensation to those affected by provisions protecting critical habitat. I believe this legislation should go on to afford compensation of some sort to those who can no longer hunt and fish species that are endangered or those who lose the use of some of their land. Moreover, there are no principles outlined in the act to guide forthcoming regulations to govern compensation.

In order for compensation to be effective, the regulations must take the following into account, as the committee has suggested in the report: First, fair market value should be the starting point of the measure of compensation. Other factors may abrogate to or derogate from that value. Second, monetary compensation may not be the most appropriate form of compensation. Other forms of compensation should be available. Third, it is possible that the operation of this act could cause major disruption to a person's livelihood and reduction of their net worth. As a result, artificial limits should not be placed on compensation. Each of these issues can be handled directly in the regulations without amendment to the act. If the government chooses to do so, the bill will be significantly improved.

Another area of concern from the perspective of landowners is the issue of being forced to defend themselves in court. The offences under this act are "strict liability" offences. This means that the Crown only has to prove that an accused violated the act, not that they deliberately intended to do so.

In response to concerns about this provision, the government has made it clear that due diligence is a proper defence to any charges under this act. Unfortunately, the government has chosen not to define exactly what "due diligence" means. Many of the witnesses who appeared before the committee expressed concern about the amount of money they might have to spend themselves to have regular, thorough examinations or even environmental assessments of their land and practices in addition to having to keep abreast of which species are listed and which are not. Due diligence should be defined in the act, and there should be opportunities for landowners to have their plans validated in some way by the government.

There is also no doubt that the government has deliberately chosen not to use all of its present powers to protect endangered species. There are a few areas of federal jurisdiction that the government could exercise but has chosen not to. In particular, the federal government has exclusive jurisdiction over migratory birds. No one disputes this. In fact, former Supreme Court Justice Gerard La Forest recently studied this issue and found that the federal government has extended powers in this area. The federal government should eventually expand the scope of this bill to protect all threatened and endangered migratory birds wherever in Canada they are found.

• (1510)

Even more important, honourable senators, I believe that we should recognize that the federal government's power in this issue stems largely from its criminal law powers under the Constitution. Using its criminal law power, the government could extend the prohibitions against killing, harassing, harming and destroying the habitat of listed species throughout Canada, not just on federal lands. The species at risk regime could and should, I believe, apply throughout the country.

In response to provincial concerns, this bill applies largely on federal lands. However the fact is that provincial protection for endangered species in Canada is woefully inadequate. Most provincial laws protect 40 per cent or less of endangered species listed by COSEWIC. No provinces — not one — cover all the endangered species. As federal laws develop in this area, the government should spread its wings and have the courage to cover all listed species everywhere in Canada.

Finally, honourable senators, over the past 200 years, those of us who have ourselves, or have ancestors who have, come from Europe, Asia and Africa have, as one of my old history books put it, opened up the land. We have felt completely free to shoot, plough under, chop down, and fish out everything in sight, and we have done so with great abandon. The realization of the results of our actions and of the need for conservation is a very recent notion.

Historically, the Aboriginal peoples of Canada, our Inuit and First Nation peoples, have been forced into increasingly smaller and more non-productive areas. As a result of what the rest of us have done, these reservations in traditional hunting areas are now home to an unfairly high proportion of Canada's species at risk. This bill provides for stewardship arrangements, but I believe the government's obligation to our Aboriginal peoples, who will bear a high proportion of the responsibility for that stewardship, goes far beyond the scope of this bill. The government already stands legally and constitutionally in a position of fiduciary responsibility for First Nations and Inuit Canadians. These people must be adequately and fully repaid for any further loss of their reservation lands and hunting lands already so constricted, now and in the future. As I have said, I believe the government already has the legal and binding requirement to do so.

With that said, honourable senators, I urge you all to support this bill. It is long overdue and it will provide the fundamental

foundation of a regime to begin to protect those species that are in the process of dying out. The need for this framework has, to our shame, been ignored for too long.

Hon. Nick G. Sibbeston: Honourable senators, as many senators know, I, along with several colleagues, have been concerned with the matter of non-derogation clauses in federal legislation. Bill C-5 contains such a clause, clause 3.

Briefly, non-derogation clauses have appeared in federal legislation since the adoption of the 1982 Constitution. These clauses, modelled directly on the wording of section 25 of the Charter, were meant to provide assurances to Aboriginal peoples that their rights under section 35 were not being infringed either intentionally or unintentionally. This was the case until 1996 when, suddenly, different wording began appearing in legislation. This was done, apparently, unilaterally on advice from the Department of Justice. Although the wording changes seem minor, they are, in fact, significant.

Department of Justice officials admit the changes were made because they felt the wording of the original non-derogation clauses limited the ability of legislation to infringe Aboriginal rights. However, Aboriginal peoples should expect that their rights will not be infringed casually but only in exceptional circumstances where the will of Parliament is clear.

These changes in the wording of the non-derogation clauses have created uncertainty for Aboriginal peoples. They fear that their rights will be infringed because of these differently worded clauses. Given the history of Canada, they are justifiably afraid of the government's intentions.

The 1982 Constitution, and particularly the inclusion of section 35 which recognizes and affirms existing Aboriginal and treaty rights, is viewed by many Aboriginal peoples as a high water mark. In the words of the Supreme Court of Canada in the *Sparrow* case, which was the first case dealt with by the Supreme Court of Canada after the Constitution Act, 1982, Section 35 "represents the culmination of a long and difficult struggle...for the constitutional recognition of aboriginal rights." It "...provides a solid constitutional base upon which subsequent negotiations can take place." This is the basis of all the advances Aboriginal peoples have made in the last 20 years. We are dismayed that the government would risk these gains.

I and others have raised this matter and tried to find a remedy. We wanted to go back to the original wording, which is nothing other than the wording of the Constitution in section 25. It was a struggle. However, we did manage to persuade our colleagues on the Standing Senate Committee on Energy, the Environment and Natural Resources that there was a problem and that something had to be done. We have persuaded the Minister of Justice, and indeed the government, that these variations in the wording of non-derogation clauses are a problem. They have caused uncertainty for Aboriginal peoples, for the courts and even for the government. The minister has promised to introduce legislation to address this issue in March of 2003.

This, I suppose, is progress of a sort. At least they admit that there is a problem and they have promised to do something, but the question remains: Will the government do the right thing? I am afraid, based on the minister's letters, that all we will get is the removal of all non-derogation clauses from existing and future legislation. This does remove the issue of inconsistency but, frankly, for Aboriginal peoples this would be a terrible loss, a step backwards, a betrayal, and they will be angry. As I said in the committee, I am horrified to think that, as a result of my attempts and the attempts of others to deal with the non-derogation clause, the government will decide to obliterate all non-derogation clauses.

Non-derogation clauses have a long and complex history. In some cases, such as the Sechelt Indian Band Self-Government Act, they were included as a result of negotiations directly with Aboriginal peoples. In others, such as the Migratory Birds Convention Act, the clause was included as a recognition and redress of past wrongs.

Non-derogation clauses are part of the solemn promises made to Aboriginal peoples and critical to the successes achieved under section 35. They cannot merely be swept aside or obliterated. Any new legislation must achieve the original objective, which was to ensure section 35 rights are not infringed and to assure Aboriginal peoples that this is the case. Any legislation must contain some other measure to achieve these objectives. We must persuade the government to do the right thing in the months ahead, and I will seek the assistance and support of my colleagues in this house in this.

For the long term, the right thing is to provide, in stand-alone legislation, that Parliament does not infringe these rights casually. We know, through a number of Supreme Court of Canada decisions, that Parliament has the capacity to infringe Aboriginal and treaty rights, but we also know that Parliament does not intend to do so other than in exceptional cases. The new legislation should provide that laws do not infringe Aboriginal and treaty rights unless this intention is clearly indicated.

• (1520)

Senator Lynch-Staunton: Bring the amendments.

Senator Sibbeston: I am very serious about this. I would prefer that we amend the non-derogation clause in this bill to refer to the original wording. I would have accepted from the minister a clear statement that the government will resolve this matter in a positive and satisfactory manner. Unfortunately, this has not been given. Therefore, I will, in my small way, register my protest by abstaining from voting on this bill.

Senator Kinsella: Abstain?

Senator Banks: Would Senator Sibbeston accept a question?

Senator Lynch-Staunton: He is abstaining.

Senator Banks: The honourable senator cannot abstain from a question. He can decline. Senator Sibbeston has the advantage on

me. Senator Sibbeston is a lawyer and I am not. It is a simple question.

I believe, based on what we have heard and what I have been able to determine, that nothing that we can do here in any bill, and that nothing that Parliament can do in any bill, not only should not but cannot derogate from section 35 or any other section of the Charter of Rights and of the Constitution of Canada. In other words, neither this nor any other bill can derogate from rights that are guaranteed in the Charter of Rights or any other aspect of the Constitution of Canada.

I believe that neither the Senate nor the House of Commons or Parliament, if it were unanimous, can do that, that the protection to ensure that that will not and cannot happen exists in the judiciary, and that the absence of a reminder in this or any other bill — which is how I characterized the non-derogation clause in my speech — does not in any way lessen the effectiveness, efficacy and primacy of the Charter of Rights. Does Senator Sibbeston demur from that opinion?

Senator Sibbeston: Honourable senators, I would be pleased to answer that question.

Non-derogation clauses, as I stated, are there to remind courts and the general public that Aboriginal rights are, to a certain extent, sacrosanct and not to be impugned or intruded upon in any way. A number of Supreme Court of Canada cases, beginning with *Sparrow* to begin with, have dealt with this issue. The ruling of the Supreme Court is that Aboriginal rights are not absolute where certain conditions prevail, particularly in conservation matters, and that the court and government can indeed infringe on Aboriginal rights.

That is the law. My point is that the courts can decide that. The courts, of course, have the capacity to make decisions with respect to Aboriginal laws, particularly since the provision in section 35 is a general statement and not defined in any way. The courts over the years have been defining and determining what are Aboriginal rights. Non-derogation clauses are important because they remind Parliament and the public that Aboriginal rights exist and that they are not to be derogated or abrogated. My contention is that the courts will decide that issue. The courts will define what these rights are, and we, as a Parliament, should not make it easy. We should not open the door and say, "Help yourself," and basically give notice to the courts that government and society can help themselves to Aboriginal rights.

That is why these non-derogation clauses are so very important.

Senator Banks: I do not wish to be argumentative, but to continue the questioning I have a two-part question. Does Senator Sibbeston believe that the courts need to be reminded of the existence of section 35 of the Charter? As a corollary, if we were obliged to remind the courts of the provisions of the Charter in every bill that exists that touch upon the application of those rights, consider how long the Criminal Code would be in comparison with what it is now, and every other act that deals with rights that exist supremely under the Charter.

The reason I have supported this bill in the way it is and in the measures the government has undertaken, to which Senator Sibbeston referred, is that the Charter is supreme, that the courts do not need to be reminded of that fact, and that they are not reminded in any other bill of any other provision of the Charter of Rights. It is understood by everyone in the courts to be the thing that governs the laws we make.

Senator Sibbeston: Honourable senators, I do believe that section 35 and the non-derogation clauses used in legislation are part of the Aboriginal rights package that was provided and established in 1982 in the Constitution. I note that governments in a number of other jurisdictions have legislation with non-derogation clauses. Saskatchewan in particular has in its legislation a very positive statement in respect to the non-derogation matter. The Northwest Territories, where I practiced my politics for quite a number of years, has placed non-derogation clauses in legislation wherever the matters touched on the rights of people. It was a comfort and reminder to the Aboriginal peoples that this legislation, even though it may touch on Aboriginal rights, would not in any way derogate or abrogate their rights.

As to whether Canadians need to be reminded, I think it is a good thing that we be reminded of Aboriginal rights. Our country does not necessarily have a good history in its dealings with the Aboriginal peoples. The gains made in 1982 with section 35 were so positive. The federal government in its wisdom has been putting non-derogation clauses in its legislation, and has been doing so since then. Therefore, I do not think the answer lies in Minister Cauchon's intention to delete all non-derogation clauses from past legislation and as a matter of public policy not put them in future legislation. It is a step backward. This could be the start of serious deterioration in Aboriginal rights in this country.

Senator Lynch-Staunton: Bring in an amendment.

The Hon. the Speaker: I regret to advise that the time for Senator Sibbeston has expired.

Hon. Serge Joyal: Honourable senators, I would like speak in this debate following the comments made by Senator Sibbeston and the question of Senator Banks. However, I do not want to pre-empt other honourable senators who might be on the list of speakers for third reading.

The Hon. the Speaker: There is agreement that Senator Spivak will have the second speaker right of 45 minutes.

• (1530)

Senator Joyal: Honourable senators, I would certainly protect the right of Senator Spivak to speak as the first speaker from the other side. I stand up this afternoon on this issue because it is a very fundamental issue and one that is within the constitutional duty of the Senate. Honourable senators, the issue of the non-derogation clause appeals to something fundamental in our institutions in Canada. We are dealing with the status of the Aboriginal peoples in our country.

[Senator Banks]

When the British Crown took over Canada in 1763, there was a Royal Proclamation. In the Royal Proclamation, the British Crown recognized the rights of the Aboriginal peoples to their own territory and their own hunting rights. This is confirmed by the first constitutional document of our country.

The courts have systematically interpreted that the Canadian Crown, which succeeded the British Crown, is the fiduciary of the rights of Aboriginal peoples. What does it mean to be fiduciary of someone or their rights? Essentially, it refers to the status of guardian of the rights of the Aboriginal people. In other words, the federal Crown in Canada is responsible to protect the rights of the Aboriginal peoples. However, at the same time, the Canadian Crown has the responsibility to legislate for each and every Canadian. In one way, we are asked to protect and stand for the rights of Aboriginal peoples while at the same time, we are being asked to legislate for every Canadian.

What happens when we are legislating in a field or domain that pertains to the status of the Aboriginal peoples? We did that earlier this week. We amended the Firearms Act. Of course, we legislated with some particular provisions to regulate the rights of Aboriginal peoples to own a gun. This is linked to their constitutional hunting rights.

This morning we in the Standing Senate Committee on Legal and Constitutional Affairs discussed the subject of animal cruelty in relation to the traditional way of hunting of Aboriginal peoples. This afternoon in this chamber, we are asked to accept at third reading a bill to protect endangered species. Those objectives are valid to regulate the possession and use of firearms. It pertains to all Canadians.

The problem, however, is that when we legislate on those subjects, the first question we must ask ourselves is this: How will that impinge upon the constitutional rights of Aboriginal peoples? Not the question: Is it good for Canada? The question should be: How does it affect the rights of Aboriginal people?

This is fundamental, which is why 20 years ago, we adopted Section 35 of the Constitution which recognized the ancestral treaty rights of Aboriginal peoples, so much so that on implementation and management issues, there is a guide for managers in relation to the fiduciary relationship of the Crown with the Aboriginal peoples, a document published in 1985. It is addressed to each and every department. In other words, when they adopt programs and implement decisions, each person must ask himself or herself: How will this affect the rights of Aboriginal peoples?

Why are Aboriginal peoples in a different status from most of us here? It is because they were the first occupants of this country. They were here before us all. Because of that, and because they were ruling themselves, they have ancestral rights to manage their own affairs. Of course there are times when their interests conflict with the interests of the rest of Canada. That is why there must be arbitration. The first and foremost thing is to ask: How will this infringe on their ancestral rights of fishing and hunting?

The Supreme Court in many decisions confirms this point of view. Senator Sibbeston has quoted the *Sparrow* case. There was also the *Guerin* case, and at least ten other decisions in the last 20 years have pronounced on this issue.

The problem Senator Sibbeston has raised this afternoon is one that we must address because we are the chamber that protects minorities. If a minority has been badly treated through history and not in conformity with that fiduciary relationship, it may be because we as Canadians used our electoral weight, our majority rule to impose things upon them, and we can do that. There is no doubt about it. Count the heads in this chamber and the other place. However, we would abrogating our fiduciary relationship with the Aboriginal peoples.

This is why I feel the problem raised by the Honourable Senator Sibbeston this afternoon is so important. I am standing this afternoon only to signal to honourable senators that if we have to address this issue in various bills, then it should form part of the report of the committee. Senator Banks and Senator Milne have competently reported such bills this afternoon. We cannot be everywhere. However, at third reading, the first thing we want to know is how they dealt with it.

Yesterday, we heard the representative of the Minister of Justice on the cruelty to animals bill. We asked that representative of the Minister of Justice: How did you consult the Aboriginal peoples before coming up with those provisions? They answered, and I do not want to caricature, "We have sent consultation documents to all of them. We did not hear anything." Therefore, they presumed to have been consulted.

According to this guide, which I spoke about earlier, and the *Sparrow* case to which Senator Sibbeston referred, the Supreme Court has a three-element test when we deal with an issue involving Aboriginal peoples. The first thing is to ask: Is the measure proportionate or the least intrusive in relation to the rights of Aboriginal peoples? The second test is: Are they compensated? The third test is: Have we negotiated in good faith? Those are the tests of the *Sparrow* case.

Honourable senators, this is an important issue. I see my colleague, Senator Gill, who has exactly the same preoccupation, and he is torn apart each time he has to vote for a measure which is good for all of Canada, but is not that good for Aboriginal peoples. There are five such members in this chamber. If we use our majority, we can always overrule them, as we can overrule the rights of French Canadians because the majority is the speakers of the other language. We know that. However, we have in our Constitution principles to protect minorities.

That is the fundamental difference between our country and our neighbour to the south. It is why we are Canadian. We devised institutions in 1867 to protect minorities. This institution reflects that as does our composition and as do our regions. My seat as a district senator reflects that. My colleagues who represent Aboriginal peoples reflect that and try to ring the bell each time we have a report such as we do today, to ask us to think about it.

In view of the discussion we might have later on the letter of the Minister of Justice, it is important that we ask ourselves: How will we approach this issue?

I see Senator Chalifoux here as well as Senator Kinsella who appeared before the committee I co-chaired with the late Senator Harry Hays. We had to ask ourselves if we were protecting the Metis? We did that. We did the right thing.

There are hundreds of difficult problems in relation to territory with the Metis. We all know that. However, we did the right thing.

With regard to this issue, we must do the right thing by the Aboriginal peoples. They rely upon us in a way. We are their trustees. We answer for their rights. That is what a fiduciary relationship means. We in this place are all trustees of their rights.

I do not like to vote in favour of legislation when I feel my responsibilities as trustee for the Aboriginal peoples are not well served.

• (1540)

I was not supposed to speak to this issue this afternoon, but in listening to the debate today, I must tell honourable senators that we must think about how we will react to those issues which are so important, as Senator Banks has said, for the protection of endangered species. We must do so in relation to and in respect of the rights of the Aboriginal peoples. There is no doubt that no one is opposed to that view. We are trustees for the Aboriginal peoples, and they must maintain this trust in us.

[Translation]

Thank heavens! If there is one group in the history of our country that has been deceived for a long time, that has been under trusteeship for a long time, it is this group. Today, we have the opportunity to define the basis of our action on principles that appear to me to be much more humane, and much closer to what we, as a country, represent.

[English]

The Hon. the Speaker: Will the Honourable Senator Joyal take a question?

Senator Joyal: Yes.

The Hon. the Speaker: Senator Sibbeston.

Senator Sibbeston: Honourable senators, I wanted to come forth with an amendment at this time.

The Hon. the Speaker: Your time has expired, Senator Sibbeston. I cannot give you the floor now. However, there may be an opportunity for you to take the floor if there is another amendment.

Hon. Anne C. Cools: If honourable senators were asked, I am sure they would happily grant leave to allow Senator Sibbeston to move his amendment.

The Hon. the Speaker: Are you asking for leave, Senator Sibbeston?

Senator Sibbeston: Yes.

The Hon. the Speaker: We will deal with Senator Nolin first and then Senator Cools. Senator Nolin will ask a question of the Honourable Senator Joyal.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, I ought perhaps to have held on until the amendment was moved. It might provide me with the answer to this question.

Does Senator Joyal feel, as I do, that the Aboriginal peoples of Canada, as defined in section 35(2) of the Constitution Act of 1982, were not properly consulted on this bill? Is that your reading of the situation?

Senator Joyal: I do not conclude that the Aboriginal peoples were not subjected to what I call "the Sparrow test," that is the three conditions in the *Sparrow* case. These are, first of all, that the measure must be as non-intrusive as possible. Second, that a system has been put in place that is satisfactory as far as the status of the Aboriginal peoples is concerned and, third, that it has been negotiated in good faith. I am not in a position to state that this is not the case.

[English]

The Aboriginal peoples are mentioned in the preamble of the bill. Line 35 of the preamble states that "the traditional knowledge of the Aboriginal peoples of Canada should be considered in the assessment of which species may be at risk." Clause 3 of the bill is the non-derogation clause to which Senator Sibbeston referred.

Further on in the bill, as Senator Milne has mentioned, clause 16(1) states:

COSEWIC is to be composed of members appointed by the Minister after consultation with the Canadian Endangered Species Conservation Council and with any experts and expert bodies, such as the Royal Society of Canada, that the Minister considers to have relevant expertise.

Clause 16(2) calls upon the knowledge and expertise of the Aboriginal peoples.

I see that the Aboriginal peoples are referred to in the bill. If they are referred to in the bill, one can presume that they have been consulted and have agreed to that. I did not hear from Senator Sibbeston that Aboriginal peoples did not agree with those essential provisions of the bill. On the contrary, from his own words, I think they have been involved.

Honourable senators, when we adopt legislation or we are asked to ratify legislation from the other place that touches upon Aboriginal status, we have to ask ourselves those questions.

Today, having heard what I have heard from honourable senators, I understand that participation in the implementation and objective of this bill is shared by Aboriginal peoples.

The problem, as was raised by Senator Sibbeston, deals more with the language of the non-derogation clause. That is where I feel there is a future issue.

The Hon. the Speaker: Senator Joyal, I regret to advise that your 15 minutes have expired.

Senator Nolin: When will Senator Sibbeston be allowed to move an amendment? Will we be allowed to ask him questions on it?

The Hon. the Speaker: I think we are getting ahead of ourselves, honourable senators.

Does the Honourable Senator Sibbeston want the floor to request leave to speak?

Senator Sibbeston: Honourable senators, I request leave to move an amendment.

Senator Carstairs: No.

The Hon. the Speaker: Is leave granted, honourable senators?

Some Hon. Senators: No.

Senator Kinsella: In rising to move the adjournment of the debate in the name of Senator Spivak, I wish to put on the record that we need some specificity. Section 25 of the Charter of Rights and Freedoms deals with Aboriginal rights and non-derogation. The Charter itself stops at section 34. There is another part, part two, where section 35 deals with Aboriginal treaty rights.

On motion of Senator Kinsella, for Senator Spivak, debate adjourned.

KYOTO PROTOCOL ON CLIMATE CHANGE

MOTION TO RATIFY—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Banks:

That the Senate call on the government to ratify the Kyoto Protocol on Climate Change,

And on the motion in amendment of the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator Murray, P.C., that the motion be amended by substituting for the period after the word "Change" the following:

“, but only if, after the Senate has heard in Committee of the Whole from all federal, provincial and territorial government representatives who wish to appear, the Senate determines that there is a substantial measure of federal-provincial agreement on an implementation plan.”

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I rise not to speak so much of the accord itself but to the amendment, which has been raised by the honourable Leader of the Opposition.

The Hon. the Speaker: Senator Carstairs, you were the first speaker, so I must ask if this is a right of reply.

Senator Carstairs: I am speaking on the amendment moved by the Leader of the Opposition.

The Honourable Senator Lynch-Staunton introduced an amendment the other day to the effect that the discussion of this place should not come to its conclusion until such time as the Senate has heard in Committee of the Whole from all federal, provincial and territorial government representatives who wish to appear. He and I have a fundamental disagreement as to what this discussion is about in both the Senate and in the House of Commons.

As the chamber knows quite well, there is no compelling reason for the government to have such a discussion in this place before ratifying the treaty. The treaty is signed by the government in its narrow meaning of the word, the Governor in Council.

The Prime Minister believed fully that we had been consulting for five years with a number of the players. We had been consulting with provinces and territories. We had been consulting with members of industry. However, until just two weeks ago, we had not consulted with members of the other place and members of the Senate of Canada.

The Leader of the Opposition in the Senate gives as his argument, one of the *Rules of the Senate*, which makes reference in its appendix that:

The Standing Committee on Standing Rules and Orders recommends that the following be observed by committees of the Senate as a general practice:

That, whenever a bill or the subject-matter of a bill is being considered...in which, in the opinion of the committee, a province or territory has a special interest, alone or with others, the government of that province or territory...should, where practicable, be invited to the committee to make written or verbal representations.

Honourable senators, this is not in committee. This is not a bill. This is not even the substance of a bill. At such time as an implementation bill comes before this chamber, then it would be entirely appropriate that we hear from members of territorial or provincial governments should they choose to come and speak

before us. However, when we do that we should remember some words put on the Hansard of the Province of Alberta, on November 20, 2002, by the Attorney General and the Government House Leader, when, in reference to the Senate, he said:

The basic concept of a balance of the Senate, which it's supposed to provide to the House of Commons, is not there because it is not effective, it is not equal, it is not elected, and it does not have accountability to the people.

• (1550)

Senator Kinsella: Your point is?

Senator Lynch-Staunton: Do you agree?

Senator Carstairs: If that is the view of the Province of Alberta, as expressed by their Attorney General and their Government House Leader, so be it. However, one wonders why this particular chamber may, in its due consideration, want to hear from a government that clearly holds this chamber in disdain.

When we have a bill on the Kyoto accord, should this chamber decide it wishes to invite representatives from the Province of Alberta, then I will be in full agreement with having them come here.

The other issue is that we have had a situation in which the federal government has been negotiating with the provincial and territorial ministers for five years. In recent days, it is fair to say that that communication has taken place not only in closed meetings but also at meetings that have been covered by the media on the front pages of most of our newspapers and on our national news broadcasts on radio and on television. Therefore, the communication is clear.

What we are deliberating here today, honourable senators, is how senators feel about the Kyoto accord. I offered the presence of the Honourable Minister of the Environment. I did so because I felt that senators might have wanted to have some specific questions that he might be able to answer whereas I would not be in a position to answer them since I am not the Minister of the Environment. I wanted to be forthcoming with that suggestion. However, if it is not the desire of this chamber to hear from the Minister of the Environment and it is the preference to have the discussion just among members of this chamber, then that is my wish as well.

Honourable senators, the decision we are making with respect to the Kyoto Protocol — and I used this comparison before — is a bit like giving second reading approval in principle. Many specific agreements will have to be worked out in the future. Just as we generally do not hear from witnesses at second reading debate of a bill, we hear them when the bill goes to committee, so we shall have the opportunity to call witnesses when we have any form of implementation legislation before us that will give force and effect to the Kyoto Protocol.

With the greatest of respect to the Honourable Leader of the Opposition, I must indicate that I oppose his motion.

Hon. Pierre Claude Nolin: Honourable senators, I am convinced that the minister wants the chamber to adopt the motion after being properly informed. I assume that is her wish. Senator Lynch-Staunton's amendment is to ensure that the level of information of colleagues will be adequate to take a fully informed decision. Does the honourable senator not agree?

Senator Carstairs: Yes, honourable senators. That is why I tabled the Canadian plan, the Kyoto Protocol, and letters of engagement from the provinces and territories to the federal government indicating the 12 principles. I believe that honourable senators have the information necessary to provide the government with their point of view — not the provinces' point of view, or the territories' point of view or the Government of Canada's point of view, if you are using it in its narrow interpretation, but the point of view of those gathered in this chamber.

Senator Nolin: I am sure the honourable senator does not have to be reminded of the wording of section 92(a) of the Constitution Act. It deals with non-renewable natural resources, forest resources and electrical energy. It also deals with the exclusive rights of the province.

Before we are asked to vote on the motion, does the honourable senator not think it would be proper to hear from those who have the exclusive responsibility to deal with those matters?

Senator Carstairs: As I indicated in my comments, honourable senators, when we are faced with a situation where we will change legislation that would bring some of those things into force and effect, by all means.

Senator Nolin: The honourable senator is asking us to call on the government to ratify a protocol that undoubtedly begs the legislative authority of our provincial partners. I repeat my question: Does the honourable senator not think it would be proper for all honourable senators who have been asked by the minister to ratify this protocol to at least hear from those provincial and territorial partners about how they intend, in their exclusive jurisdiction, to implement the component of that protocol which deals with their exclusive rights?

Senator Carstairs: I have answered that question, honourable senators. The actual responsibility of the ratification still lies with the Governor in Council, but we have been asked for our opinion on this matter. We are not the house of the provincial governments, with the greatest of respect. We are representatives of our various provinces to deliberate on issues of importance to Canada. We have a point of view and we should be expressing it in a fulsome debate.

Senator Nolin: Why does the honourable senator need our opinion, then? Our opinion is not needed.

Senator Kinsella: It is a charade!

Senator Nolin: What is the purpose of asking the opinion of honourable senators if the authority to make the decision is already in place? I agree that the government has that authority, so it does not need to hear our opinion. If the minister wants to hear it, however, we should be able to give an informed opinion. I assume that is what the minister wants, namely, an informed opinion from honourable senators.

Senator Carstairs: With the greatest of respect to the honourable senator, we have heard a lot of talk about accountability, transparency and democratic deficit. The very fact that the Government of Canada has asked the members of the Senate of Canada for their opinion is a step forward in the participatory process, which is of value to each and every one of us.

Hon. Joan Fraser: Honourable senators, this is a question that I would have put to Senator Lynch-Staunton, but I had to be out of the chamber when he proposed his amendment. I will put the same question to the Leader of the Government in the Senate, because it is one that must be put to someone with long political experience.

This amendment suggests that we should determine that there is a substantial measure of federal-provincial agreement on an implementation plan. I do not suppose anyone in this chamber would disagree with the proposition that it would be wonderful if we could achieve that agreement now, if not yesterday. However, it has occurred to me, as I have watched the political events unfolding and the dynamic that has built up, that we may now be caught in a situation that one sees happen not infrequently in politics, in government and in other fields of social activity such as labour negotiations, where the disagreement that has been expressed has been so vehement that what is required to break the logjam is a change in the situation. That change would be the ratification of the agreement. Once the agreement is ratified, then we will all be able to proceed afresh with an implementation plan.

As the Leader of the Government has already pointed out to this chamber, there is already more substantial degree of agreement than some critics would tend to admit. It occurs to me that perhaps what we need to do now is ratify and then say, "All right. Back to the table!" What does the leader think of that?

• (1600)

Senator Carstairs: I thank the honourable senator for her question. In reality, that is exactly what happened when the Prime Minister announced in Johannesburg that he would put it before the Parliament of Canada. At that point, the conversations, discussions and debates between the provinces, the territories and the federal government, and between industry and the federal government, were not proceeding as rapidly as everyone wanted.

All of a sudden, when the gavel came down and a time frame was outlined, people became more engaged on the issue. I agree entirely with the honourable senator that the engagement will continue. It will be more proactive as a result of the decision taken by the government.

However, before the government is prepared to do that, it wants to hear from individual members of Parliament both in the other place and here. We have a number of choices. If we agree that the government should go forward and ratify, then we say yes. If we do not believe that the government should go forward and ratify, we say no. If we believe that the government does not need our opinion, we can abstain.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I do not know how the Leader of the Government expects us to give the government an informed opinion when there is no agreement on a federal-provincial implementation plan. There is no breakdown of costs. There is no general industry support. There is no enabling legislation. With those elements missing, how can honourable senators provide an informed opinion? We are confirming here what the Honourable David Kilgour said the other day in Alberta, that this vote is a meaningless vote.

Senator Carstairs: Honourable senators, with the greatest respect, I believe it is a meaningful vote. It is an example of the kind of thing honourable senators should be doing more often, giving advice to government before government acts, instead of following the other pattern, which we so often do, such as when government proposes legislation and parliamentarians are expected to accept it as is. Honourable senators do not often do that in this chamber.

I did a study of the last session. We proposed 64 amendments. Good for us. However, it does not necessarily follow that way. I believe that to do it in reverse is a very positive thing.

Senator Lynch-Staunton: What is our opinion worth given that Mr. Anderson, in opening the debate in the House of Commons, has said the government was committed to ratification, and when all government spokesmen in the other place have committed to ratification, including the Prime Minister. What does our opinion matter? The decision has already been taken.

Senator Robichaud: We want to hear from you.

Senator Lynch-Staunton: What do you want to hear? We are making a suggestion that some of the principal parties affected, such as premiers, be invited, or have their representatives appear before us.

What would happen if I or the Leader of the Government in the Senate received a call from a premier or a minister of the environment saying, "Yes, I would like to appear before your Committee of the Whole. I will come any time you want, because I feel there are facts that I can bring to your chamber which would help you have a more informed opinion?" Would she agree to that?

Senator Carstairs: I would not agree to that. That is why I am opposing the honourable senator's amendment. The reality is we have not heard from any of those people.

Senator Lynch-Staunton: I would be glad to arrange for someone from one of the provinces representing either its premier or his department to contact the Leader of the Government. Would the leader be willing to hear from either him or her before the Committee of the Whole of this chamber?

Senator Carstairs: The reason I am opposing the motion is that I believe the debate should be between senators.

Senator Lynch-Staunton: That is why it is meaningless.

Hon. Anne C. Cools: Senator Carstairs has cited certain western persons making some less-than-flattering remarks about the Senate, and essentially asked why honourable senators would wish to hear from them.

To the Leader of the Government in the Senate, I would ask: Is it not common that many members in other legislatures and governments have made less-than-flattering statements about the Senate, many of whom have later come here to sit among us? In this regard, I can recall the comments of Senator Taylor. I believe Senator Carstairs, before she became a senator, used to have quite a bit to say about the Senate.

I wonder if Senator Carstairs could tell honourable senators whether those remarks were thought to be relevant to the discussion before us. The senator, in moving his amendment, thought it would be both useful and helpful for a proper consideration of the motion if honourable senators could hear from the provincial governments.

I wonder if the Leader of the Government in the Senate could advise this chamber on that matter, because it is not unusual for many individuals to change their perception of the Senate once they have an opportunity to come into contact with it.

Senator Carstairs: Honourable senators, to answer the last part of Senator Cools's question, I probably have had more contact with the Senate than most senators in this place, since I first arrived here in the gallery when I was 13 years old and watched my father over the next 25 years. I then came in my own instance in 1994. I have now been here for a period of more than eight years.

If the honourable senator was referring to me in her general statement, let me indicate that I have not changed my view of the Senate. It is a view that I have had for a very long time.

Do I think that this house should consider the view of the Government of Alberta when it is one of our potential guests? What I clearly said was that I questioned whether honourable senators would want to hear from a government that clearly had an attitude of that nature about the Senate. However, if we got to the stage of legislation and honourable senators wanted to hear the views of the provinces on it, I would welcome them.

Senator Cools: Senator Carstairs has said that the government has been consulting and there is no need for any further consultation.

As I understand the motion in amendment, the Senate, which is supposedly calling upon the government in the main motion, is asking to hear some of the premiers.

Perhaps Senator Carstairs could tell us how she describes this motion as a consultation with the Senate when at no time at all in this motion is the Senate's opinion of the Kyoto Protocol being sought. This motion does not ask the Senate to approve the Kyoto accord.

I have said this before and I will say it again. This motion is a prayer from the Senate asking the sovereign to exercise its Royal Prerogative in respect of treaty-making. Could Senator Carstairs explain this conundrum?

Senator Carstairs: That is the honourable senator's view, not mine. We in this place have been called upon to give our opinion without doing away with the government's authority in any manner, and even senators opposite have recognized that the Governor in Council has the right to enter into treaties.

Senator Cools: Since it is Senator Carstairs' opinion that we have been asked to give our opinion, perhaps she could rewrite the motion to say the Senate of Canada expresses its support for the Kyoto accord. That would be a clearer way to proceed.

Senator Carstairs: Well, Senator Cools, you have your way of doing things and I have my way of doing things. We often do not see eye to eye.

The Hon. the Speaker: Senator Cools, I would like to point out to you that time is passing, and there are other senators who wish to speak on this matter.

• (1610)

Senator Cools: Honourable senators, I am not too sure that it was in order for His Honour to cut off a senator speaking merely to point out the time. The time is quite in order, and I was putting a question to Senator Carstairs.

I was trying to say that the motion before us is not as Senator Carstairs is describing. The motion before us is, essentially, the Senate of Canada petitioning the government to take a particular action.

If another motion were required and if a different opinion were required, the motion should precisely say that. Based on what Senator Carstairs has said, an amendment to this motion is in order. It should be brought forward by the government and represent what the government wants the motion to state. In other words, the motion should say what it means, and it should mean what it says.

The Hon. the Speaker: Honourable senators, I have risen because occasionally we repeat the same question again and again. It may happen unconsciously. However, when that happens, it is incumbent on me to observe that there are senators awaiting an opportunity to speak.

Hon. John G. Bryden: My question to the Leader of the Government stems from her statement that the motion presents

an opportunity for parliamentarians in the Senate to express our views on the Kyoto accord, just as it is happening in the other place on the part of the members of the House of Commons.

This place exists because at the time of Confederation the region from which I come —New Brunswick and Nova Scotia — refused to join Confederation unless there was such a place as this in which our region could be represented equally with the other regions in Canada. It was recognized that there would always be a majority of views coming from Upper Canada and Lower Canada — Ontario and Quebec.

I will take the other page out of Senator Joyal's understanding of the constitutional provisions that established this place. There was specific direction that this place be the defender of minority rights. There was also the responsibility of the persons who represent the regions from which we are appointed to represent the interests of those regions in the Parliament of Canada.

Senator Lynch-Staunton: Question!

Senator Bryden: Honourable senators, I am getting there. When the honourable senator indicated that the government is really interested in getting the views of parliamentarians, it was to give to people such as Senator Kinsella, Senator Banks and me the opportunity to be able to represent, to the government, our views of the position of the regions that we represent on this very important issue.

The others mentioned in the amendment have other avenues such as the federal-provincial conferences that have been ongoing for years.

Honourable senators, we should carry into this debate the duty that we understand as senators to represent our region on this particularly significant national issue. Would Senator Carstairs agree with that?

Senator Carstairs: Absolutely, honourable senators.

Hon. Lowell Murray: Honourable senators, I rise to intervene because of the quite troubling exchange I heard a few moments ago between Senator Fraser and the Leader of the Government in the Senate.

I heard Senator Fraser suggest, and Senator Carstairs concur in, a most reckless approach to federal-provincial relations. I wish I could say it was a novel approach on the part of this government, but it is not. It is a most reckless approach to federal-provincial relations in an area where we must have the cooperation of the provinces.

That which the Kyoto Protocol, the government and most of us here would seek to achieve with respect to greenhouse gases cannot possibly be achieved without legislative and other action at the provincial level. That is my starting point.

Yet, we have heard that the way to get that action at the provincial level is to present the provinces with a fait accompli. Is it force majeure? Should we put the accord in front of them and say, "There. Now act."

Honourable senators, I do not wish to rub salt into an all too open wound, but this is what the government did with the ill-fated gun registry. We the Parliament of Canada have the power to legislate, and the responsibility to legislate criminal law. However, we know that in this country the provinces must enforce and administer criminal law. It must have been obvious to the federal government early on that there were problems with the provincial law enforcement authorities with regard to the gun registry, but they went ahead and passed the law any way.

How many provinces and territories are not administering that law now? It is most of them. We have provinces refusing to administer. We have a checkerboard approach to enforcement, and I will speak to that on another day. We also have horrendous cost overruns. In short, it is a fiasco. This is also what is happening with the Kyoto accord.

The other day I attended a meeting arranged for Progressive Conservative senators and members of the House of Commons with some of the proponents of the Kyoto accord. They were there to urge us to vote in favour of ratification of this accord. Among those there, I do not think she would object to my using her name, was Elizabeth May, who is head of the Sierra Club.

In the course of the discussion she said that the Kyoto accord targets can be met by the federal government acting alone using "federal levers." That is a very big statement. She did not agree with me that that would require the exercise of the peace, order and good government power, or a carbon tax, or, perhaps, the use of the environmental act that would enable the federal government to simply declare a substance toxic and then tell the provinces what to do. The Sierra Club group was not specific about what it would entail. I do believe that the government, once it ratifies, will be in the position where, failing provincial action and provincial cooperation, the federal government will have only its own powers to fall back on.

• (1620)

Then we will be facing all of those unthinkable courses of action, such as invoking peace, order and good government, carbon taxes, and the excessive use of the power to declare certain substances toxic. That is what the government is letting itself in for.

Honourable senators, what does ratification mean? We had an exchange about this the other day. The Prime Minister has signed the Kyoto Protocol; we know that. The Governor in Council can now ratify the protocol. Surely it is open to Canada to choose whether to ratify, and if to ratify, to choose the timing of the ratification. There is no magic to the date December 31, if that is the date that the Prime Minister has in mind. However, once the government ratifies, what are the implications?

I tend to think that it means we are committed as a country to implement. If we do not implement, whatever sanctions there are in the agreement can be brought to bear against us. There is a difference of opinion about these sanctions. One opinion offered by the aforementioned Elizabeth May is that the sanctions are a wet noodle; they do not amount to much. An opinion suggested to me by business people is that if we fail to implement, the

European countries that have much less at stake than we have could go before the WTO and state that our failure to implement constitutes a hidden subsidy to our industry and that therefore trade sanctions should be brought to bear against us. I do not know, but I place those two opinions on the table for the consideration of honourable senators.

I come back to this point: If ratification is a commitment to implement and we do not have an implementation plan agreed to by the provinces, then the federal government is left on its own, to its own resources, to achieve the Kyoto targets. In my opinion, that would entail such extreme action on the part of the federal government, and perhaps Parliament, that it would constitute a truly divisive situation in the country. It does not need to be like this. It did not need to be like this with the gun registry. Perhaps, in due course, a way will be found involving the provinces, belatedly, that will put that exercise back on the right track.

Honourable senators, I keep thinking about the Free Trade Agreement. There were eleven first ministers' conferences in respect of that agreement between Canada and the United States. There were numerous meetings of federal and provincial trade ministers. After every negotiating session with the Americans, there were conference calls between officials at the provincial and federal levels. At the end of the day, two provinces were not on side — the Government of Ontario and the Government of Prince Edward Island — but the federal government felt confident enough to proceed and to ratify. All of the provinces, including Ontario and Prince Edward Island, went forward and took the actions that were necessary within their respective jurisdictions to ensure that they were compliant with the free trade agreement.

My friend the Leader of the Government in the Senate talks about five years of consultations, and I heard this from the proponents at the meeting the other day. It appears that all people imaginable were in the room for these consultations and, to that extent, it could be considered a great democratic exercise. However, in a matter such as this, negotiations are needed between the federal and provincial governments that are directed to achieving an agreement on an implementation plan. Of course, the private sector could participate just as it did during the free trade negotiations with the sectoral advisory committees, involving all of the economic and industrial sectors in the country.

The achievement of an inter-governmental agreement is absolutely paramount and vital to achieving the goals of the Kyoto Protocol. If serious discussions had been held over a period of five years that were directed to achieving agreement on an implementation plan, I cannot believe that they would not have succeeded.

We can discuss the Kyoto Protocol and the scare stories that have been floated on both sides of the house. It reminds me of the stories about the Free Trade Agreement and about Meech Lake. One can be in favour of achieving the goals of the Kyoto accord. One can accept the science, as I certainly do because I am a layman with no alternative, and one can accept Kyoto. However, it is futile for us to egg the federal government on to ratification when there is no federal-provincial implementation plan to ensure that we will achieve the targets that we signed on to at Kyoto.

I have no difficulty, obviously, in supporting Senator Lynch-Staunton's amendment that would, perhaps, allow us to do some of the spadework with the provincial governments that ought to have been done long before this.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise in support of the motion in amendment by my honourable colleague Senator Lynch-Staunton. I should like to begin by articulating my view that I am a complete supporter of the United Nations Framework Convention on Climate Change. I am also a complete supporter of the protocol arrived at by the party states in Kyoto that provides for the implementation machinery for the party states.

However, honourable senators, consider the damage that Canada will bring upon the international community by the federal government ratifying the protocol when it has no guarantee at all that it will be able to implement or to meet the international treaty obligations that it will assume. Canada will not be able to meet those commitments without the participation of the provinces.

What does this mean? Some people in this town are saying that it is okay; that the federal government, using its executive authority, can ratify this treaty; and that it does not matter if we cannot implement it because we will work that out in the future. Is there no longer any respect for the rule of law? The rule of law principle applies not only to domestic law but also to international law. How can domestic legislation be enacted or the instruments of ratification under international treaty law be deposited by those who will not obey that law?

Honourable senators, Canada will do great harm to the desire of the international community to come to grips, as we must, with our environment. It is one of the new generations of human rights. The environmental right is one of the solidarity rights. I am certain that all senators in this chamber support that objective.

Earlier this afternoon I heard a comment made that there has been consultation with the provinces for the past five years. In 1966, the United Nations opened up for ratification two international treaties in the field of human rights. The International Covenant on Civil and Political Rights with its optional protocol and the International Covenant on Economic, Social and Cultural Rights.

• (1630)

The Prime Minister of the day, Prime Minister Pearson, recognized that there was provincial jurisdiction involved and that Canada would only be able to meet its obligations if the provinces would concur. It took 10 years, which saw numerous federal-provincial meetings of officials and ministers responsible for human rights. Indeed, I cannot recall whether our colleague Senator Joyal was Secretary of State at the time. If he was, he attended one of those meetings.

At the end, in March 1976, all provinces agreed, in writing, that, yes, the federal government should exercise its executive power and deposit the instrument of ratification, which it did. Three months later, in August 1976, three important international

treaties in the field of human rights came into force for Canadians. They are the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and, attached to that latter one, the Optional Protocol to the International Covenant on Civil and Political Rights. Honourable senators, those international human rights instruments, concurred in by all jurisdictions across Canada, are one of the reasons why we have made such significant progress in the sphere of social justice in our country.

There was the wisdom of a liberal prime minister who knew that all it took was respecting the jurisdiction of the provinces, that it would take a lot of hard work. Indeed, it did, and the result has been salutary to the effect that the very wording of section 15 and the existence of section 27, and I suggest section 28, of our Charter of Rights and Freedoms are written the way they are because of a successful case taken by a Canadian under the Optional Protocol to the United Nations. Canada was found not to be in compliance, and Canada changed its law. I speak of the *Lovelace* case and the old section 12(1)(b) of the Indian Act. There is where Canada benefited domestically from being party to an international human rights treaty.

I am just as convinced, honourable senators, that we as Canadians will benefit from being party to the Kyoto Protocol provided we have collaboration, because only with the collaboration of the provinces will we be able to meet the obligations that we would be assuming.

Frankly, I do not understand why this government has been so unsuccessful in reaching agreement — not unanimous agreement, but substantial agreement. That is the principle that the court spoke of in the famous patriation case. It was not necessary that every province agree, but there had to be substantial and considerable agreement. The fact that we did not have unanimous agreement has been the source of difficulties in our country that speak to our national unity and headaches over the years.

Let me ask this question, honourable senators: What is wrong with having a national plan agreed to by the Government of Canada based upon principles such as those articulated by the provinces and territories, principles like the following: that all Canadians must have an opportunity for full and informed input into the development of a domestic implementation plan? What is wrong with that principle?

What is wrong with the second principle: the plan must ensure that no region or jurisdiction shall be asked to bear an unreasonable share of the burden, and no industry, sector or region shall be treated unfairly, and that the cost and impact on individuals, businesses and industries must be clear, reasonable, achievable and economically sustainable? What is wrong with that as a principle?

What is wrong with the principle that the plan must respect provincial and territorial jurisdiction? Since when is there something wrong with that as a principle in Canada?

What is wrong with the principle that the plan must include recognition of real emission reductions that have been achieved since 1990 or will be achieved thereafter? What is wrong with the principle that the plan must ensure that no province or territory bears the financial risk of federal climate change commitments?

What is wrong with the principle that the plan must maintain the economic competitiveness of Canadian business and industry, considering the reality of where we are located, north of the largest economic industrial community in the world, namely, the United States of America?

What is wrong with the principle of developing, provincially, federally and territorially, a plan based on the principle that Canada must continue to demand recognition of clean energy exports? What is wrong with the principle that a plan be developed, federally and provincially, that would include incentives for all citizens, communities, businesses and jurisdictions to make the shift to an economy based on renewable and other clean energy, lower emissions, and sustainable practices across sectors?

Finally, honourable senators, what is wrong with the principle underlying a federal-provincial action plan for implementation, that the implementation of any climate change plan include an incentive and allocation system that supports lower carbon emission sources of energy such as hydroelectricity, wind power generation, ethanol and renewable and other clean sources of energy?

Honourable senators, I submit there is nothing wrong with those principles, and indeed there is everything right with those principles. These are the 12 principles that the provinces have committed to working with the federal government on to build a national implementation plan? Such a plan would bring pride to Canada. Such a plan might very well in its implementation find Canadian industry, with its ingenuity and creativity, identifying whole new economy areas for development, whether through the IT sector, the engineering sector, the architectural sector. The opportunities here for Canada and Canadians in every corner of our great land are innumerable.

That, honourable senators, is the atmosphere, the milieu, within which a real confederation would work together, bringing our best minds and energies together collaboratively to lead the world, not to meet a minimum standard, recognizing the fact that we share along the border with the United States a corridor that produces so much of the pollutants that enter the atmosphere and do damage that needs to be corrected.

Speaking of our friends to the south, it is important that we recall that the five eastern premiers, meeting with the governors of the north-eastern part of the United States, have reached an agreement on the principles that would be applicable in the development of a program of implementation that would speak not only to Canada but to the United States. They agreed that climate change is a serious global issue that requires leadership and collective and sustained long-term action to reduce Canada's

greenhouse gas emissions. All Atlantic premiers are committed to addressing climate change and are signatories to the New England Governor's and Eastern Canadian premiers' regional climate change action plan, which they concurred in at their conference held in Westbrook, Connecticut.

I regret that this particular motion has arrived in this chamber under such a cloud.

• (1640)

The Prime Minister, who I find has nothing but good motive, has a desire to see Canada ratify and, hopefully, implement this protocol. However, the reality is that it cannot be done. He will become a deficit to the kind of social democracy and environmental right development for which the world needs leadership and not "followership."

One does not want to cast aspersions upon the level of leadership or followership that we have seen in this country domestically, but internationally, if countries such as Canada do not provide leadership, the world community will be the poorer for it.

Honourable senators, the debate we are having is a shallow one. The Prime Minister says that Canada will sign this protocol before the end of the year. He brings in a resolution. The Honourable Leader of the Government in the Senate said that the Prime Minister did not have to bring this resolution into the two Houses for debate. Executive power exists; we all know that. Therefore, the question is why did he bring it into the two chambers? Is this a spin-doctor exercise where the band-aids are simply members of Parliament and senators?

Honourable senators, I do not like using the words "charade" or a "mirror exercise"; however, I am afraid that others who would use those words would not be inaccurate in describing the situation that way.

Some Hon. Senators: Oh, oh!

Senator Kinsella: It seems to me that Senator Lynch-Staunton's motion is a reasonable one. Perhaps we can hear from the minister, the government side, but let us also hear the other side. What kind of a debate is it when only one side of the argument is brought forward?

Senator Cools: It is called a Senate debate.

Some Hon. Senators: Oh, oh!

Senator Kinsella: It would be a debate, to use Maritime metaphors, that would be listing quite badly, and I should think listing to the right.

Honourable senators, I do not want to be party to this charade. Let us do it right.

Senator Robichaud: You said you would not use the word "charade."

Senator Kinsella: Let us bring in some witnesses next week. Let us hear from the provinces that have indicated they are prepared to appear. We might get a few premiers. Certainly, a number of officials are prepared to come here to represent their provinces. Let us hear from the minister, and at least hear both sides of the story so that we can conclude this debate.

Hopefully, we will have made the point to the government that in principle it is not a bad idea to ratify this protocol. The provinces are necessary to make it work. They are the *conditio sine qua non*.

With that, honourable senators, let me suggest that we adopt Senator Lynch-Staunton's motion.

Some Hon. Senators: Hear, hear!

Hon. Tommy Banks: Will the Honourable Senator Kinsella accept a question?

The Hon. the Speaker pro tempore: I should inform the Senate that the time for speaking has expired.

Is the honourable senator requesting leave to continue? Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Banks: Senator Kinsella mentioned an agreement that was signed between the premiers of some Atlantic provinces and the governors of some American states, an agreement that would at least have international complications and implications. Does the honourable senator know the extent to which the premiers of those provinces have consulted with the Government of Canada in signing that agreement, since he suggested that this sort of thing is necessary?

I was involved in negotiations of one kind or another before I came here. They were much smaller than what are doing; however, I always understood that negotiations did not consist in saying, "Here is my list of demands, and unless you meet them, the negotiation is not satisfactory."

The honourable senator read a laundry list of 12 items from the provinces. As I understand it, the Government of Canada has agreed with nine. Is there a specific number above 75 per cent that would constitute, in his view, substantial agreement?

Senator Kinsella: With reference to the New England governors and the Eastern Canadian premiers, they adopted resolution 27-7 during their conference in Quebec City held August 25 to 27, 2002. The official title of the document is "Climate Change Action Plan." The premiers of Quebec, New Brunswick, Prince Edward Island, Nova Scotia, and Newfoundland and Labrador met with the New England governors.

With regard to the honourable senator's second question concerning the issue of the principles, it is my understanding that the federal government has not worked collaboratively with the provinces on the last two or three principles. Because I am

uncertain, perhaps I can get that information. I think all of the principles are valid. However, principle number 11 of the provincial-territorial agreement states that:

The plan must include incentives for all citizens, communities, businesses and jurisdictions to make the shift to an economy based on renewable and other clean energy lower emissions and sustainable practices across sectors.

My goodness. I cannot see why that principle would not have to be in the heart of any agreement. It seems to me that I had heard it was the last two, and that was one of them. For fear that the nine principles were not the first nine, let me inquire into that, and I will get back to the honourable senator.

Senator Banks: I remind the honourable senator that the Government of Canada has, as I understand it, agreed to 75 per cent of the requests of the provinces, nine out of 12.

In respect of the international resolution to which he referred, could the senator also tell me whether the provinces felt obliged to consult with the Government of Canada about what they were doing?

Senator Kinsella: It is an excellent case study of a difficult international treaty clearly affecting provincial jurisdiction and federal jurisdiction. The officials worked hard, as did the ministers, in reaching a memorandum of understanding as to how those conventions would be implemented in Canada. Because it involved a mechanism of periodic reporting, all party states have to periodically report. There has been an acceptance of the jurisdiction of the Human Rights Committee of the United Nations to adjudicate on cases.

Let us examine Senator Murray's question about what are the sanctions. As to the sanctions under the UN system, I cannot recall when the UN has gathered together an army of nations to invade a country because it did not comply with an international treaty. However, to use the example of Senator Murray, economic regional groupings might well use other vehicles, such as the WTO, as a lever, which may be more damaging to Canada than the party states management mechanism under the protocol.

• (1650)

Senator Bryden: Honourable senators, I should like to speak to the amendment. I was reminded of another international treaty by words that Senator Murray used. Ten or 15 years ago, Canada was in negotiations on the Canada-U.S. Free Trade Agreement, and there was a huge amount of controversy over that. People would lose billions of dollars and hundreds of thousands of jobs would be lost. There was much debate in this place. It was very difficult, and from what I heard in the media, there was a great deal of acrimony. Finally, there was an election in 1988, the primary theme of which was the so-called free trade debate.

While then Prime Minister Brian Mulroney won the majority of the seats, if that election had been a referendum on that question, it would have been lost. The majority of Canadians who voted in that election voted for parties that were opposed to the Free Trade Agreement.

My point is simply that the demand being made now by the other side that we cross all the "T"s and dot all the "I"s before proceeding with this international agreement flies in the face of something I remember the Prime Minister of that day saying. He said that although Ontario and Prince Edward Island were opposed, and although the government was not sure that it would all be for the best, it was time for us to take a leap of faith.

Some Hon. Senators: Hear, hear!

Senator Bryden: We took that leap of faith and a number of people who were on the other side of that issue voted for parties —

Senator Stratton: Question!

Senator Bryden: I am making a statement.

There comes a point when we must take a little step of faith and say that if we ratify the agreement we can probably be in a position to finish the last negotiations and get this done.

I believe that we are in very good hands. When I look across and think of the confidence that the people on the other side had in the ability of the Government of Canada to find a way to make something so controversial as the Free Trade Agreement work, I believe that we will surely be able to make the Kyoto accord work.

Some Hon. Senators: Hear, hear!

Senator Murray: I wish to ask the Honourable Senator Bryden a question, if I may. In fact, I will put several questions and the honourable senator may wish to deal with all of them at one time.

First, will the honourable senator not agree that his memory is playing some tricks on him and that the term "leap of faith" was not Mr. Mulroney's but that of the Honourable Donald Macdonald, the former Liberal minister who chaired the Royal Commission on Canada's economic prospects?

Second, will the honourable senator also agree that, unlike the present Kyoto situation, the federal government, the provinces and the private sector knew down to the last detail the actions that would be required of them to implement the Free Trade Agreement?

Third, will the honourable senator refresh his memory and tell us what the position of the Liberal government of New Brunswick was on the free trade treaty at the time?

Senator Bryden: I thank the honourable senator for the questions. The answers are "yes," "no," and "I will have to check."

Some Hon. Senators: Hear, hear!

Senator Stratton: We have confidence in the ability of the government to bring it in under budget, as it did with the gun registry.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I would repeat my invitation of last week for honourable senators to speak as promptly as possible to this motion before us, so that we can make some progress on it and refer it to the committee for consideration and report.

On motion of Senator Stratton, for Senator Spivak, debate adjourned.

CRIMINAL CODE FIRE ARMS ACT

THIRD READING—NOTICE OF MOTION FOR TIME ALLOCATION WITHDRAWN

On the Order:

That, pursuant to rule 39(2)(d), not more than a further six hours of debate be allocated for third reading of Bill C-10A, An Act to amend the Criminal Code (firearms) and the Firearms Act;

That when the debate comes to an end or when the time provided for the consideration of the said motion has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the said motion; and

That any recorded vote or votes on the said question be taken in accordance with rule 39(4).

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, there is no longer any justification for the motion of which I gave notice, and I do not intend to move it. I believe it ought to simply be dropped from the Order Paper.

Motion withdrawn.

[English]

THE ESTIMATES, 2002-03

REPORT OF NATIONAL FINANCE COMMITTEE ON SUPPLEMENTARY ESTIMATES (A)— DEBATE ADJOURNED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on National Finance (Supplementary Estimates (A) 2002-03) presented in the Senate on December 4, 2002.

Hon. Lowell Murray moved the adoption of the report.

He said: Honourable senators, as you know, it has been the practice in the Senate for many years to refer the government spending Estimates and Supplementary Estimates to the Standing Senate Committee on National Finance.

It is also something in the nature of a convention here that the Senate does not proceed with the appropriation act based on those Estimates until it has a report from the Finance Committee on them. What is before honourable senators at the moment is a report on Supplementary Estimates (A) 2002-03.

I was about to say that there is nothing terribly unusual about the Supplementary Estimates, but perhaps I should amend that to say that there was nothing unusual about those Estimates when they were considered by the Senate Finance Committee. They amount to some \$6 billion, of which \$2.2 billion is statutory and \$3.8 billion require parliamentary approval.

As the Treasury Board officials assured us when they appeared before the committee, this amount of \$6 billion is provided for in the Minister of Finance's October 2002 economic statement and fiscal update. Therefore, there was nothing that was of great surprise to the committee when we received the Supplementary Estimates and discussed them with the Treasury Board officials.

There are several matters that I will flag for honourable senators as briefly as I can. It is, as honourable senators know, consideration of this report that would pave the way for us to consider the interim supply bill, which I presume will be along presently.

• (1700)

I flag for you first the references in the report to the famous or infamous Treasury Board Vote 5. That is the contingency vote, which we have reported on in the past. It is fair to say that the committee is of the view that the wording of the vote and the guidelines passed by Treasury Board to ministers and officials for the way in which this vote may be used provide rather too much latitude to ministers and officials — latitude that has been used.

In any case, the government has taken our previous report seriously. We were told that a proposed new policy statement and refined guidelines are to go forward to Treasury Board ministers for consideration early in the new year. There the matter rests. If changes are made, we will see them reflected in the Main Estimates that will be tabled in March.

There was one new matter — it is new, at least, in my memory — that was canvassed by members of the committee, and it refers to what I might call international events that are hosted by Canada. For the sake of discussion, I divide these into two categories. There are those events that are held at the initiative of nongovernmental organizations. Those include the World Youth Day that the Roman Catholic Church sponsored, for example, or the failed Olympic bid from Toronto several years ago, and the new Olympic bid by Toronto and another bid for the Winter Olympics by Whistler. That is one category of international event that the federal government is called upon in various ways to support. It is the one that interests us mostly.

There are also those other events that flow from our international responsibilities, such as the G8 meeting held in Alberta, and previously held in Halifax, Toronto and Ottawa over the past 20 years or so.

The principle is the same. What concerns the committee is how the federal government gets involved in those events that are the initiative of nongovernmental organizations. I recall that, with regard to World Youth Day, there had been one in Rome three or four years ago, and at the end of it His Holiness the Pope stood up and said, "We will see you in Toronto in three years' time." How did the federal government get involved? Is it the nature of a bid? Were we supporting the City of Toronto? Likewise with the Olympics: How do we get involved and do we operate on the basis of a budget?

I see in yesterday's *Globe and Mail* an indication that, with regard to the bid by Whistler for the Winter Olympics of 2010, Prime Minister Chrétien and British Columbia Premier Gordon Campbell "...will confirm the long-anticipated expansion in the inner harbour of the Vancouver Convention and Exhibition Centre, a key element of the bid blueprint." The article reported that negotiations on the \$500-million expansion were reported close to completion yesterday.

Farther down, the article refers to a man by the name of Jack Poole, chairman and chief executive officer of the Vancouver 2010 Bid Corp. It reads:

Poole added that the bid corporation already has a binding agreement with the city, Whistler, the provincial and federal governments and the Canadian Olympic Committee, meaning everything is in place to support the bid.

We want to know how this process works. Is there an overall budget relating to what is going to be spent by various departments and agencies of government?

We were confronted in the Supplementary Estimates with sums of money being voted — that we will vote, I presume — to various departments to pay the costs of holding World Youth Day in Toronto.

The officials from the Treasury Board assured us that all the accounts were in order, that they were all legitimate and so on, but that was not the question. The question was: Was there a budget? How does this relate to some overall fiscal planning by the government? That is a matter to which we intend to devote a meeting during the month of February.

I will not go into the firearms program except to say that this is an old story. It forms headlines today, but our committee has been on this for three or four years. Read our previous reports. I have no intention, and the committee has no intention, of piling on the matter at this point because we do know that an internal review is being carried on at the Department of Justice. The Auditor General has reported. The officials from the Treasury Board told us they are extremely concerned about this file. The official added: "I do believe if we were to discuss this in a few months we probably would have additional information to provide."

The steering committee has come to the conclusion that the contribution that our committee might make to this issue is to wait several months and then examine the adequacy or otherwise of the reviews and the steps that have been taken to try to correct this situation. As I indicated in an earlier debate, there must be a way that the approach can be changed to involve the provinces more closely and have a more effective and certainly a more cost-effective program; but I hasten to say that that is a personal opinion.

Honourable senators, the same holds true for a matter that Senator Ferretti Barth has raised on numerous occasions. That is Canada's exposure, because of its large territory and the number of flights that pass over it, to paying the full costs of expenses of investigations such as the Swissair investigation. It is the Chicago Convention that requires the country where the accident takes place to assume the liabilities for this.

The honourable senator has raised this issue, and the committee wonders if some change cannot be made to the Chicago Convention to make the international carriers assume some of the liabilities for these investigations. This is a matter we will pursue again.

Finally, honourable senators, the committee wondered what had happened to several recommendations we had made concerning the National Capital Commission and, in particular, the Treasury Board Real Asset Management Funding Strategy. Honourable senators may recall that, under this strategy, the National Capital Commission is permitted to dispose of lands surplus to its needs and to keep the proceeds from the sale for its own capital purposes. The committee was of the view last June, and it said so in a report, that the National Capital Commission should be like any other agency or department of government. When it needs money, it should go to the government and justify its proposition and get the money. Giving it the right to dispose of properties for its own needs constituted perhaps a perverse incentive for it to sell off lands that perhaps it should not be selling off.

The Treasury Board officials before us were not able to give us a satisfactory or, indeed, any answer about what had happened to our recommendation. We have decided to call Ms. Copps, who is the minister who reports to Parliament for the National Capital Commission. She has indicated some willingness to come after the new year. We will try to do that during the month of February. We have scheduled four meetings in February: one with Ms. Copps as a witness; one to hear from the Auditor General; one to deal with international events hosted by Canada; and one to resume our consideration of these arm's-length foundations that the government and Parliament have set up.

We have been around the track on this one. I do not think there is much more we can say about it. We are now in search of best practices, and whether there are not one or two foundations that have a better accountability regime to government and Parliament.

• (1710)

What we are in search of is a happy medium, a compromise, a way to accommodate both the need for some autonomy on the part of foundations and the paramount need to ensure accountability to government and Parliament.

With those few words, honourable senators, I suppose I cannot ignore the fact that the Leader of the Government in the Senate told us earlier that some \$72 million will be withdrawn by the government from the appropriation bill. I assume the appropriation bill will be some \$72 million less than we might have expected it to be. This represents the supplementary estimate in respect of the Canadian firearms registry. We shall see the situation when the interim supply bill arrives. I am not sure whether that withdrawal has been effected as yet. The last I heard from people watching the deliberations in the other place was that it was still being argued over. We shall see when the bill arrives, assuming it does, in a few days.

In the meanwhile, I do commend this report to your favourable attention and support.

On motion of Senator Cools, debate adjourned.

PUBLIC SERVICE WHISTLE-BLOWING BILL

SECOND READING—DEBATE ADJOURNED

Hon. Noël A. Kinsella (Deputy Leader of the Opposition) moved the second reading of Bill S-6, to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers.

Hon. Fernand Robichaud (Deputy Leader of the Government): I would ask for an explanation, please. I do not want to be caught as I was a few days ago.

On motion of Senator Kinsella, debate adjourned.

FEDERAL NOMINATIONS BILL

SECOND READING—DEBATE ADJOURNED

Hon. Terry Stratton moved the second reading of Bill S-4, to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions.

He said: Honourable senators, it gives me great pleasure to rise today to speak in support of Bill S-4, a bill that I tabled shortly after this session began.

The long title of this bill is: An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions. The short title is easier to understand and deal with. It is the Federal Nominations Act.

As many honourable senators will know, this is a bill I introduced in the first session of this Parliament. I have spoken to the bill and to a number of senators about it. Therefore, as there have been no major changes in the context, I do not intend to explain in great detail today the effect of its individual clauses. I will address, generally, the subject of parliamentary reform and some of the comments made about this bill in the last session.

The overarching purpose of the bill is to let some sunshine in upon the federal appointment process to ensure transparency and objectivity in the selection of individuals for certain positions filled through the use of Order in Council. A result of this process becoming more public than it is now will be a reduction in the power and authority of the Prime Minister's Office.

It was just over a month ago that the former Minister of Finance crossed the rubicon in relation to parliamentary reform. Who can forget his words on the process ascribed to the PMO? Those words were:

We have permitted a culture to arise that has been some thirty years in the making. One that can be best summarized by the one question that everyone in Ottawa believes has become key to getting things done: "Who do you know in the PMO?"

This is unacceptable. We must change that reality.

While Mr. Martin presented a six-point plan for parliamentary reform, one of the parts of the plan concentrated around the process of government appointments.

While no details were provided by the former Finance Minister as to how it should be done, he did say, "...a healthy opportunity should be afforded to the qualifications of candidates to be reviewed, by the appropriate standing committee, before final confirmation."

Honourable senators, Bill S-4 helps to fill in the details missing from the former minister's speech.

Under Bill S-4, a committee of the Queen's Privy Council for Canada would be formed to develop public criteria, to devise a process to identify and assess candidates, and to provide for parliamentary review of those appointments through appearance before the Senate Committee of the Whole. As I said in the last session:

I decided that the review in Committee of the Whole by the Senate was preferable to any other alternative. The Senate is less political than the House of Commons, represents the regions of Canada and has proven in the past to be very effective when dealing with federal officials appearing in the Committee of the Whole, especially in relation to their annual reports.

I think we would all agree with that.

If we should have a similar situation occur in the House of Commons, as we all know, it would become virtually like the U.S. system, which I do not think any of us would enjoy.

[Senator Stratton]

Ministers intending to fill Order-in-Council positions would choose from among candidates recommended as eligible. Note that not all federally appointed judges would be subject to review, but those listed in the schedule, Part 1 of the bill would be, provided they were required by the Senate.

We have even provided a mechanism by which appointments which must be made can quickly proceed with a hearing held after the appointment has been made.

It is my intent that those nominated to serve on the Supreme Court of Canada would be subject to scrutiny. As I stated in my speech on this bill in the last session, I believe this to be appropriate given the role that the Charter has given judges in our society. In other words, to put a face to a name and a personality to that face. I think Canadians need to see that.

When I introduced this bill in the last session, the response from the public in Western Canada was overwhelming. They felt that this was a very positive step. They would really like to see it. I put that out as food for thought for those senators from the West.

Critics of this bill believe it unduly interferes with the Crown's prerogative. It was argued that Royal Consent must be given before the bill is dealt with further.

• (1720)

The Speaker made it clear that this can happen at any time before the bill becomes law. Others were concerned that this bill should not move to study in committee because this would mean approval in principle had been given to the bill. Given that the purpose of this bill is to move along our discussions on parliamentary reform, I believe study in committee is crucial. Therefore, I would not object and, in fact, I would support the idea that the subject matter of this bill be sent to committee for study prior to its receiving second reading.

We should take a look at it. I look forward to discussions on this bill and to its review by the Senate Standing Senate Committee on Legal and Constitutional Affairs.

On motion of Senator Stratton, for Senator Kinsella, debate adjourned.

SCRUTINY OF REGULATIONS

FIRST REPORT OF JOINT COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Standing Joint Committee for the Scrutiny of Regulations (permanent order of reference and expenses re rule 104) presented in the Senate on November 26, 2002.—(Honourable Senator Hervieux-Payette, P.C.).

Hon. David P. Smith, for Senator Hervieux-Payette, moved the adoption of the report.

Motion agreed to and report adopted.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

CONSIDERATION OF FOURTH REPORT OF COMMITTEE

The Senate proceeded to consideration of the fourth report of the Standing Committee on Internal Economy, Budgets and Administration (CRTC decision re CPAC's licence renewal application) presented in the Senate on December 3, 2002.—(*Honourable Senator Bacon*).

Hon. Lise Bacon: Honourable senators, the purpose of this report is to give an update on the negotiations with CPAC for the renewal of the broadcasting agreement. Because we were unable to come to an agreement, the Internal Economy Committee recommended that the Senate make intervention in the CPAC licence renewal application before the Canadian Radio-Television and Telecommunications Commission. In that intervention, we expressed concerns about CPAC's television coverage of Senate committee programming and other related matters.

On November 19, 2002, the CRTC released its decision concerning CPAC's application. The summary of that decision as it relates to the Senate intervention is provided in the report before you today.

We must recognize that the CRTC has sent a clear message to CPAC, and the CRTC expects that CPAC will improve its coverage of Senate programming.

[Translation]

The CRTC decision means real progress for the Senate. The CRTC found that it was important that CPAC reflect the bicameral nature of the Parliament of Canada through the broadcasting of the proceedings of the upper house and the lower house.

[English]

Accordingly, the CRTC changed the title of the exemption order to "Parliamentary and Provincial or Territorial Legislature Proceedings Exemption Order," instead of "House of Commons and Provincial or Territorial Exemption Order." Previously, the order did not include any reference to the Senate, and the CRTC stated that in the future, the programming service provided by CPAC should reflect the bicameral nature of Canada's Parliament by a fair coverage of both the House of Commons and the Senate.

[Translation]

So, from now on, the debates of the Senate should be covered in their entirety, and this coverage will be from the beginning to the end of the sitting.

[English]

The coverage will be gavel to gavel — from beginning to end. The control over the programming is retained by the committee responsible for broadcasting matters, which, in the Senate, is the Standing Senate Committee on Internal Economy, Budgets and Administration.

The CRTC stated in its decision that it expects to schedule Senate committee proceedings equitably in relation to its televised proceedings of the House of Commons and to work with the Senate to find a mutually satisfactory solution to the scheduling of such programming. The onus is clearly on CPAC to contact the Senate with the proposal of scheduling matters. CPAC should, according to the CRTC, give the implementation of the recommendation regarding the Senate its highest priority. However, the CRTC did not impose specific conditions of licence that would have created a legal obligation to broadcast a minimum amount of Senate programming.

We must recognize that the decision constitutes an important victory for the Senate. The CRTC has created a solid foundation upon which to better access CPAC's broadcast of Senate programming in the future. As our report indicates, the steering committee has been authorized to continue negotiations with CPAC for a renewed broadcasting agreement and to report thereon to the full committee.

[Translation]

In conclusion, I want to thank all those who worked on this issue for their precious cooperation.

The Hon. the Speaker *pro tempore*: If no other senator wishes to speak, the debate on this issue is concluded.

[English]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

SIXTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Committee on Rules, Procedures and the Rights of Parliament (amendment to rule 86(1)(o) — Fisheries Committee) presented in the Senate on December 4, 2002.—(*Honourable Senator Milne*).

Hon. Lorna Milne moved the adoption of the report.

She said: The explanation is very short and very concise. This simply adds four words to the standing orders of the standing *Rules of the Senate*. It adds the words "and oceans," so that the rule will read:

(o) The Senate Committee on Fisheries and Oceans, comprised of 12 members, four of whom shall constitute a quorum, to which shall be referred on order of the Senate, bills, messages, petitions, enquiries, papers and other matters relating to fisheries and oceans generally.

This merely brings the mandate of the committee in line with what it has actually been doing for many years, and it also brings it in line with the name of the department with which it deals.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FIFTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Committee on Internal Economy, Budgets and Administration (committee budgets) presented earlier this day.

Hon. Lise Bacon moved the adoption of the report.

She said: Honourable senators, I should like to take just a few minutes to explain the contents of this report.

Internal Economy recognizes the commitment that senators have to committee work.

• (1730)

Every effort has been made to get the budget process underway quickly so that committees can organize their work for the remainder of the fiscal year. However, given that several budgets have not yet been received and that there may be further budgetary demands later in the fiscal year, the committee wanted to ensure that funds were released in a responsible manner.

[Translation]

The committee chairs appeared before the Subcommittee on Rules, Procedures and the Rights of Parliament, to present various items of the budget.

After taking into consideration the observations made by the chairs and a number of guiding principles, the subcommittee made recommendations to the Standing Senate Committee on Internal Economy, Budgets and Administration, regarding the funds that should be allocated now.

Following a debate, the Standing Senate Committee on Internal Economy, Budgets and Administration adopted the subcommittee's report on legislative budgets and special studies budgets.

[English]

According to the Procedural Guidelines for the Financial Operation of Senate Committees, special study budgets are to be reported to the Senate by the committee requesting the funds, while legislative budgets are to be reported to the Senate by the Internal Economy Committee.

This fifth report of the Internal Economy Committee recommends the release of funds for the legislative work of six committees, as well as the budgets for the Standing Committee on Internal Economy, Budgets and Administration and the Standing Committee on Rules, Procedures and the Rights of Parliament, in the following amounts: the Standing Senate Committee on Aboriginal Peoples, \$5,000; the Standing Senate Committee on Banking, Trade and Commerce, \$15,000; the Standing Senate Committee on Energy, the Environment and Natural Resources, \$11,500; the Standing Committee on Internal Economy, Budgets and Administration, \$3,000; the Standing Senate Committee on

National Finance, \$3,000; the Standing Committee on Rules, Procedures and the Rights of Parliament, \$7,400; the Standing Senate Committee on Social Affairs, Science and Technology, \$2,500; and the Standing Senate Committee on Transport and Communications, \$10,000.

[Translation]

According to the board, these amounts will allow the committees to conduct their legislative agenda at least until the end of the current fiscal year.

[English]

I urge honourable senators to support the adoption of this report.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

[Translation]

OFFICIAL LANGUAGES

MOTION AUTHORIZING COMMITTEE TO STUDY REPORT ENTITLED "ENVIRONMENTAL SCAN: ACCESS TO JUSTICE IN BOTH OFFICIAL LANGUAGES"—DEBATE CONTINUED

On the Order:

Resuming debate on the motion, as modified, of the Honourable Senator Gauthier, seconded by the Honourable Senator Fraser:

That the report entitled "Environmental Scan: Access to Justice in Both Official Languages," revised on July 25, 2002, and commissioned by the Department of Justice of Canada, be referred to the Standing Senate Committee on Official Languages for study and report;

That the Committee review the issue of clarifying the access and exercise of language rights with respect to the Divorce Act, the Bankruptcy Act, the Criminal Code, the Contraventions Act and other appropriate acts as applicable; and

That the Committee report no later than May 31, 2003.
—(Honourable Senator Corbin).

Hon. Eymard G. Corbin: Honourable senators, I would like to explain why I took adjournment of the debate on Senator Gauthier's motion, as modified. The Standing Senate Committee on Official Languages is a new committee. The members of this committee decided to work as a team. The Standing Senate Committee on Official Languages will, on Monday, examine different issues as well as the proposed work for the next months.

The effect of Senator Gauthier's motion would be to set a deadline for the Standing Senate Committee on Official Languages, when it is just examining its work schedule. That is why I have taken adjournment on the senator's two proposed studies, which also require that the Standing Senate Committee on Official Languages report by May 31, 2003. The committee is entitled to set its own priorities. It has no choice but to start with an examination of the annual report and the special reports of the Commissioner of Official Languages.

Senator Gauthier understands the reasons for my taking adjournment of the debate last week. Moreover, the two matters in this motion are already on the list of subjects proposed for study by the Standing Senate Committee on Official Languages at its meeting next Monday.

I do understand Senator Gauthier's good intentions, but the committee on which he himself sits needs the opportunity to organize its calendar. I am therefore asking that the debate be adjourned.

On motion of Senator Corbin, debate adjourned.

MOTION TO AUTHORIZE COMMITTEE TO STUDY OPERATION OF OFFICIAL LANGUAGES ACT WITHDRAWN

On the Order:

Resuming debate on the motion, as modified, of the Honourable Senator Losier-Cool, seconded by the Honourable Senator Wiebe:

That the Senate Standing Committee on Official Languages be authorized to study and report from time to time upon the operation of the Official Languages Act in Canada in general and in the federal public service in particular;

That the Committee table its final report no later than March 31, 2004.—(*Honourable Senator Corbin*).

Hon. Eymard G. Corbin: Honourable senators, last week, when we reviewed the motion presented by Senator Losier-Cool, a number of senators rose to make suggestions. I then took adjournment of the debate to allow interested senators, including the members of the Standing Senate Committee on Official Languages, to take into consideration the comments that had been made by Senator Gauthier, Senator Kinsella, Senator Murray and Senator Joyal.

The committee met on Monday afternoon to hear the Commissioner of Official Languages. Agreement was reached on a motion to replace Motion No. 68.

You will find this new motion, which Senator Losier-Cool moved yesterday, under No. 77, on page 17 of the Order Paper. This motion reflects the views that were expressed last week.

Strictly speaking, Motion No. 68 is now irrelevant, and I am asking for the unanimous consent of the Senate to have it dropped from the Order Paper.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to withdraw the motion?

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, must we not have leave from the person who proposed this motion to withdraw it?

Hon. Rose-Marie Losier-Cool: Honourable senators, I am asking leave from the Senate to withdraw Motion No. 68 on the Orders of the Day.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to withdraw the motion?

Hon. Senators: Agreed.

Motion withdrawn.

[English]

TRANSPORT AND COMMUNICATIONS

MOTION TO AUTHORIZE COMMITTEE TO STUDY MEDIA INDUSTRIES—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Gauthier:

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on the current state of Canadian media industries; emerging trends and developments in these industries; the media's role, rights, and responsibilities in Canadian society; and current and appropriate future policies relating thereto; and

That the Committee submit its final report to the Senate no later than Wednesday, March 31, 2004.—(*Honourable Senator Kinsella*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I am prepared to move the adjournment of the debate until Monday, but I made a commitment to my colleague Senator Fraser that I would speak today. Therefore, I am in your hands.

Some Hon. Senators: Agreed.

Senator Kinsella: I will abbreviate my remarks, honourable senators.

The need to have a full debate on this motion will be followed in the future when we receive a motion from a Senate committee that it proposes to undertake a study on a given topic. Whether Senate committees can afford to undertake studies is the responsibility of the Standing Committee on Internal Economy, Budgets and Administration. However, the chamber must give some guidance to senators on the Internal Economy Committee so that they have a sense as to the priority that they would see in a given order of reference.

• (1740)

Honourable senators, in the recent past, in fact it has been on the scroll for a number of sitting days, we have seen two excellent reports, one by the Standing Senate Committee on Social Affairs, Science and Technology and one by the Standing Senate Committee on National Security and Defence.

I believe the perception across Canada is that the Senate has conducted a study on these two areas, one was health care and the other was the security issue. As honourable senators know, the Senate has not adopted either of the reports. The word on the street is that these are the reports of the Senate.

I am sure that both reports will be embraced at the end of the debate on them. However, the bottom line is that no debate has taken place. If there is not going to be a debate after a report is tabled, perhaps honourable senators will have to have a debate at the front end.

Therefore, I have looked at what is before the chamber at the moment, that the Standing Senate Committee on Transport and Communications wants to have the authorization of the Senate to examine and report on the current state of the Canadian media industries, emerging trends and developments in these industries, the media's rules, rights and responsibilities in Canadian society, and current and appropriate future policies relating thereto. Honourable senators, frankly, if this were a master's thesis proposal looking for approval, I do not think that any graduate school would give it its approval, because it lacks direction.

What is being proposed is a broad study of several issues relating to the Canadian media. These issues, while not completely unrelated, are separate issues. Each of them may be worthy of a separate study but, combined, they would clearly, as is articulated here on the Order Paper, result in an unfocused and unorganized study. A study about everything, honourable senators, in general is a study about nothing in particular.

Consider the Davey committee, a study on the media; it has a focus, and its concentration was on media ownership. It was circumscribed. It also occurred in an era when those kinds of issues were around an industry at its state of evolution. Since the time of Senator Davey's committee, the evolution, technological and otherwise, in that industry has been remarkable.

Another study was conducted in 1981, the Kent commission, which was a study on aspects of the media. That study had a focus. It was a concentrated study on newspaper ownership. That focus was very circumscribed whereas the language of the motion before us is somewhat Orwellian: "The media's role, rights and responsibility in Canadian society."

While the media is a peculiar case, in that it is the only profit-oriented industry granted constitutional freedom from excessive governmental intervention, freedom of the press, why does the committee imply that it has responsibilities in Canadian society over and above the responsibility to obey the law, as any other corporation or corporate entity should?

If this motion is taken at its face value and, as I suggest, in the unfocused manner in which it is crafted, I would like to try to be helpful and suggest that the committee go back and attempt to identify their research question.

What in particular does the committee want to study? What particular issue concerns the committee? The rise of the Internet as a journalism medium could be an interesting focus of the study. The potential loss of sovereignty posed by technological advances could be the basis of a very interesting and focussed study. It could become even more focused if the committee looked at direct-to-home or the so-called grey market satellite dishes, or the Internet. Perhaps the issue could be the concentration of media ownership or convergence of media technology, or the relationship between the press and the state in Canada.

The answers to these questions would result in some kind of a proposed statement for a focused study. Therefore, I must ask this question: What preliminary work has the committee done to prepare this proposal? Other than the Davey study, what have honourable senators read? Who has the committee heard from in gathering its preliminary data to form the research proposal? What resources does the committee need? Why does the committee need to do its study at this particular time? Are honourable senators concerned about a particular issue; if so, what is it?

When honourable senators look at the time line that is put into a study, the focus of which I cannot determine, it will take us to the year 2004. With a time frame of 15 months to study this issue, the scope of which is already overly broad and unfocused, the length of study may magnify the inherent problems with the scope of the study. What the committee studies in early 2003 may be found to be obsolete in the year 2004 in one sector of the fast moving communication or media world.

What is the solution, honourable senators? Given the public interest in the subject, a full debate should be held in this chamber to facilitate direction development for the committee. This was done for the Special Committee on Illegal Drugs, the result of which was that that committee conducted a focused study on cannabis and marijuana. I suggest it might be helpful if the committee were to define its question for research so that it can provide direction identify its methodology.

On motion of Senator Stratton, debate adjourned.

AMERICA DAY IN CANADA

MOTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Kirby:

That the Senate urge the Government of Canada to establish September 11 of this and every year hereafter as a commemorative day throughout Canada, to be known as "America Day in Canada."—(*Honourable Senator Bryden*).

Hon. John G. Bryden: Honourable senators, I wish to take a few moments to make some comments on the motion of the Honourable Senator Grafstein that was moved on October 8 last.

To remind honourable senators, the motion cites that the Senate urge the Government of Canada to establish September 11 of this and every year thereafter as a commemorative day throughout Canada, to be known as America Day in Canada.

If we were to adopt this motion, honourable senators, we need to be more specific in identifying the country that would be celebrated so that at no time, no matter how far into the future, there would be no confusion as to which America is meant. Honourable senators should make it clear that this day would not apply to other Americas, such as North America, Central America, South America or Latin America, for example.

• (1750)

Make it clear that this special day in Canada refers only to the United States of America. Since "United States of America Day" may be a somewhat cumbersome title, we could use the shorthand version that I understand is preferred by our Poet Laureate George Bowering when referring to the United States of America — "U.S. America." This would require that the motion be amended to change the designation to "U.S. America Day in Canada."

It is interesting to note that this motion was made almost two months ago. Since that time, there has been very little public comment about it. It would appear that at least to this point it has not fired an enthusiastic response by Canadians, even though the *Globe and Mail*, our national newspaper, devoted virtually all of its inside front page to the matter in one of Roy McGregor's well-read columns. In his column, Mr. McGregor opined that perhaps Canadians should consider such a designated day, if the gesture was reciprocated by the United States and they designate a "Canada Day" in the United States. The two designations would thus recognize the historical symbiosis between our two great nations, generally, and in particular, it would allow the United States a way of expressing its gratitude for Canada's unquestioned acceptance of all U.S.-bound flights on September 11 without knowing who or what might be on those flights, and the courageous welcome Canadians in small communities such as Moncton, Gander and Whitehorse extended to thousands of terrified U.S. citizens and others. It would help to make up for the fact that the President of the United States did not include Canada in his list of friends, even though we were the only nation to have provided help at substantial risk to our citizens on that terrible day, and the fact that our continuing support of the "war on terrorism" has certainly earned Canada a place on the enemies list of Osama bin Laden.

Intriguing as Mr. McGregor's suggestion of a Canada Day in the United States is, in my view, we should not go there. Why open ourselves to even further abuse by talk show hosts and late-night TV hosts who might prefer "Soviet Canuckistan Day," which would satisfy Pat Buchanan, or "Northern Wimps Day." I know that such terminology is the product of sensationalist

commentators and entertainers, including those on CNN's *Crossfire*, who will do and say anything for notoriety and ratings. I am a bit surprised that there has been no counterspin of which I am aware representing the views of the silent majority in U.S. America.

I, like the vast majority of Canadians, have great respect for the United States and a continuing affection for our neighbours to the south. In the 1960s, my wife Lorrie and I spent six years in Philadelphia. Unlike Bob Hope's old joke that he was in Philadelphia once and it was closed, we found the city and its citizens open, welcoming and friendly.

Our two oldest children were born there. Lorrie nursed at the University of Pennsylvania Hospital. I attended graduate school and later worked with the Prudential Insurance Company of America and Hallmark Cards Inc. in Kansas City, Missouri, and you cannot get much more American when you care enough to send the very best.

We were there during the race riots, the Cuban missile crisis, and I was standing at a bar in a bocce club in South Philadelphia when the TV anchor announced that John Kennedy had been shot, and like so many others in that room, I wept.

It was during this period that I began to understand the strength, resilience and determination of the institution that is the United States of America. What other nation could withstand the assassination of its leaders: John Kennedy, Martin Luther King and Bobby Kennedy to name just three? What other country could go through the gut-wrenching tragedy of the Vietnam War and the shame of Richard Nixon, and then go on to win the Cold War and become the wealthiest and most powerful nation that the world has ever known?

This most wealthy and powerful nation is our next door neighbour, and as someone said, "Our best friend, whether we like it or not."

A recent discussion of the risks and rewards of living in this neighbourhood is the cover story in the November 25, 2002, issue of our national magazine *Maclean's*. It presents two entertaining and opposing points of view in essays entitled "America Lite. Is that our future?" Yes, says Jonathan Gatehouse. No, says Douglas Coupland.

Even Gatehouse, whose argument is that we are already internationally, culturally, commercially and politically "America Lite," has some reassurances for Canada. He writes, "Nobody in Washington gets up in the morning and thinks about how to take over Canada." Some might add that nobody in Washington gets up in the morning and thinks about Canada at all.

On U.S. concern over Canada's defence spending, he quotes John Pike, one of America's leading defence analysts: "The United States is quite capable of blowing up anybody that needs to be blown up without anyone else helping." While that is reassuring, I nevertheless was pleased to read that Defence Minister McCallum told the U.S. ambassador and others that Canadian defence policy and spending will be decided in Canada by Canadians.

Douglas Coupland, for his part, takes the position that Canadians and Americans have never been more different. In his opinion, "What the Americans want is most likely our water, our power grid and, most of all, our natural resources not to compete with theirs in an open market." He says, "Americans have lately been upset by the tiny size of Canada's military, and our nation's reluctance to dive-tackle whatever scenarios have emerged from Washington." He then points out that more people live in Illinois, Michigan and Ohio combined than in Canada. They would think you were nuts if you were to tell them to protect of everything north of the 49th parallel, from the Atlantic to the Pacific to the Arctic Oceans — but this is exactly what Canada has to do.

He goes on to say, "From a military standpoint, Canada is succulently, juicily, deliciously invadable."

• (1800)

Theoretically, if Canada were invaded, the United States would come to our aid, but what if it is the U.S. doing the invading? Why has the U.S. not taken us over yet? One supposes that they could do it in 30 minutes. It is simply cheaper and easier to let Canada take care of itself. An uninvaded Canada is a cost-effective good buddy — how depressing. However, it is not just Canada. The U.S. could take over anyone, really — New Zealand, Denmark and Ghana. We just happen to live next door.

The nationalists in Canada have often fretted over Canada's loss of sovereignty to the United States and that we might become the 51st state.

The Hon. the Speaker *pro tempore*: Honourable senators, it is now six o'clock. Is it agreed that we not see the clock?

Hon. Senators: Agreed.

Senator Bryden: Honourable senators, I can only imagine the relief among the nationalists when the cover of the November issue of the American magazine, the *Atlantic Monthly*, shows Uncle Sam holding Iraq on his shoulders with the caption "The Fifty-First State." We are off the hook.

Finally, is creating a "U.S. America Day in Canada" going to add to the mutual respect between our two countries? Is it, for example, going to address the high-handed treatment of Canadian citizens by their immigration services or the denial of even a modicum of due process to them? I do not think so. I believe Canada will serve our people best, and indeed will serve our closest neighbour best, by continuing to be and to appear to be confident in ourselves, our values and our role on the international stage. What I know of the United States is that it is not impressed by anyone reminding them how great they are or how much they are loved. They know that already.

The gesture in this motion, no matter how well-intended, will be taken by some in the U.S. if indeed any notice is taken at all, as a sign of forelock tugging and sucking up to our rich and powerful neighbour. Rather, Canada should continue to insist on the rule of law internationally as well as nationally. As examples, the

equal adherence and enforcement of UN Security Council Resolutions, the acceptance of adjudicative decisions of disputes in International Trade and the North America Free Trade Agreement, whether it be potatoes or softwood lumber.

We should continue to promote the International Court of Criminal Justice, the Land Mines Treaty and the Kyoto Protocol on global warming to our neighbour to the south and perhaps they will continue to participate internationally. We should continue to urge the rich and powerful nations of the West — Canada and the U.S. included — to spend as much money and expertise on a war on world poverty and pandemic diseases as would be spent on a war against Iraq, for example.

Canadians, by being ourselves and doing the right thing as defined by us, have punched above our weight both militarily and diplomatically, ever since Vimy Ridge and Suez. We owe it to our country, to our neighbour and to the world to continue to do that. I do not believe this resolution enhances our ability to support the United States, when appropriate, and attempt to influence and counterbalance them when necessary. I will not be voting for this motion.

On motion of Senator Robichaud, for Senator Smith, debate adjourned.

[Translation]

APPROPRIATIONS BILL NO.3, 2002-03

FIRST READING

The Hon. the Speaker *pro tempore*: Honourable senators, a message has been received from the House of Commons with Bill C-21, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003, to which they desire the Senate's concurrence.

Bill read first time.

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the second time?

On motion of Senator Day, bill placed on the Orders of the Day for second reading two days hence.

NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE WITHDRAWN

On the Order:

That the Standing Senate Committee on National Security and Defence have power to sit on Monday next, December 2, 2002, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Hon. Joseph Day: Honourable senators, I move, with leave of Senator Kenny, and pursuant to paragraph 30, that this motion be withdrawn with leave of the Senate.

[Senator Bryden]

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion withdrawn.

[English]

COMMITTEE AUTHORIZED TO MEET DURING
ADJOURNMENT OF THE SENATE

Hon. Joseph A. Day for Senator Kenny, pursuant to notice of November 28, 2002, moved:

That the Standing Senate Committee on National Security and Defence be empowered, in accordance with rule 95(3), to hold meetings between Monday, January 6, and Friday, January 10, 2003.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I have a question for those of us who may want to attend. Are these meetings to be held in Ottawa?

Senator Day: Yes, they will be held in Ottawa. I cannot tell you the precise location, but they are usually held in the Centre Block and they will commence on January 6, 2003.

Hon. Eymard G. Corbin: Honourable senators, Senator Kenny gave notice that he would be seeking permission to table a certain report during the Christmas adjournment. Does that Notice of Motion have anything to do with what the honourable senator is seeking to accomplish now?

Senator Day: Honourable senators, I understand that will be one of the items of business that we will deal with during that week of sittings.

• (1810)

Hon. Serge Joyal: Honourable senators, other than the report, is there any other pressing business that compels the members of that committee to sit in the week after the celebration of Christmas and the new year?

Senator Day: Honourable senators, the members of the Standing Senate Committee on National Security and Defence consider issues of national security to be compelling, and we are all in agreement that we should get on with our hearings as expeditiously as we can. We have all agreed to meet during that time frame, subject, of course, to the consent of the Senate pursuant to rule 95(3).

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I would like to clarify the answer given by the Honourable Senator Lynch-Staunton. Will all of the meetings

that will be held between January 6 and 10 be held in the national capital?

Senator Day: All of the meetings will be held in Ottawa during the week of January 6 to 10, 2003.

[English]

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[Translation]

OFFICIAL LANGUAGES

COMMITTEE AUTHORIZED TO STUDY OPERATION OF
OFFICIAL LANGUAGES ACT AND RELEVANT
REGULATIONS, DIRECTIVES AND REPORTS

Hon. Rose-Marie Losier-Cool, pursuant to notice of December 4, 2002, moved:

That the Standing Senate Committee on Official Languages be authorized to study and report from time to time upon the operation of the *Official Languages Act*, and of regulations and directives made thereunder, within those institutions subject to the *Act*, as well as upon the reports of the Commissioner of Official Languages, the President of the Treasury Board and the Minister of Canadian Heritage.

Motion agreed to.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Monday next, December 9, 2002, at 2 p.m.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Monday, December 9, 2002 at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
 (2nd Session, 37th Parliament)
 Thursday, December 5, 2002

GOVERNMENT BILLS
(SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties.	02/10/02	02/10/23	Banking, Trade and Commerce	02/10/24	0	02/10/30		

GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-5	An Act respecting the protection of wildlife species at risk in Canada	02/10/10	02/10/22	Energy, the Environment and Natural Resources	02/12/04	0			
C-8	An Act to protect human health and safety and the environment by regulating products used for the control of pests	02/10/10	02/10/23	Social Affairs, Science and Technology					
C-10	An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act	02/10/10	02/11/20	Legal and Constitutional Affairs	02/11/28	divided			
C-10A	An Act to amend the Criminal Code (firearms) and the Firearms Act	-	-	Legal and Constitutional Affairs	02/11/28	0	02/12/03		
C-10B	An Act to amend the Criminal Code (cruelty to animals)	-	-	Legal and Constitutional Affairs					
C-11	An Act to amend the Copyright Act	02/10/10	02/10/30	Social Affairs, Science and Technology	02/12/05	0			
C-12	An Act to promote physical activity and sport	02/10/10	02/10/23	Social Affairs, Science and Technology	02/11/21	0 + 1 at 3rd 02/12/04			
C-14	An Act providing for controls on the export, import or transit across Canada of rough diamonds and for a certification scheme for their export in order to meet Canada's obligations under the Kimberley Process	02/11/19	02/11/26	Energy, the Environment and Natural Resources	02/12/04	0	02/12/05		
C-21	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003	02/12/05							

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-300	An Act to change the names of certain electoral districts	02/11/19							
SENATE PUBLIC BILLS									
No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-3	An Act to amend the National Anthem Act to include all Canadians (Sen. Poy)	02/10/02							
S-4	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	02/10/02							
S-5	An Act respecting a National Acadian Day (Sen. Comeau)	02/10/02	02/10/08	Legal and Constitutional Affairs					
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	02/10/03							
S-7	An Act to protect heritage lighthouses (Sen. Forrestall)	02/10/08							
S-8	An Act to amend the Broadcasting Act (Sen. Kinsella)	02/10/09	02/10/24	Transport and Communications					
S-9	An Act to honour Louis Riel and the Metis People (Sen. Chalifoux)	02/10/23							
S-10	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	02/10/31							
PRIVATE BILLS									
No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.

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OFFICIAL REPORT
(HANSARD)

Monday, December 9, 2002

—◆—
**THE HONOURABLE DAN HAYS
SPEAKER**



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Monday, December 9, 2002

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

USHER OF THE BLACK ROD

APPOINTMENT OF TERRENCE J. CHRISTOPHER

The Hon. the Speaker: Honourable senators, I have the honour to inform the house that I have received a certified copy of Order in Council P.C. 2002-2058, dated December 3, 2002, appointing Terrance J. Christopher, Usher of the Black Rod of the Senate, effective December 9, 2002.

On behalf of all senators I should like to thank the Deputy Usher of the Black Rod, Mr. Blair Armitage, who has been acting in this position for the past 15 months.

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

TENTH ANNIVERSARY OF NORTH AMERICAN FREE TRADE AGREEMENT

Hon. James F. Kelleher: Honourable senators, almost 10 years ago, on December 17, 1992, former Prime Minister Mulroney of Canada, former President Bush of the United States and former President Salinas of Mexico came together to sign the historic North American Free Trade Agreement, NAFTA.

Hon. Senators: Hear, hear!

Senator Kelleher: In doing so, those leaders committed their nations to remove those barriers to trade and investment that hinder economic growth and prosperity, helping to create a common market of some 360 million people.

There is no doubt that NAFTA has been a success, particularly because Canada has enjoyed a decade of economic growth driven by trade. Unlike the doom and gloom predictions of the protectionists who opposed NAFTA, we have not seen our culture destroyed. Indeed, our culture and our identity are stronger than ever. We have not seen jobs and investments disappear from Canada to Mexico. We have had strong job creation and record levels of investment. Very simply, we are a more attractive place to invest and the need to compete is driving us to become more productive.

Speaking today, December 9, at a conference to mark the tenth anniversary of NAFTA, former Prime Minister Brian Mulroney spoke of the challenges that lie ahead. These challenges include building an area of security in North America; making our

borders work for our shared interests, rather than sealing them off against each other as we succumb to false security; and ensuring that economic security is protected from political expediency.

As Mr. Mulroney pointed out, the arbitrary application of trade remedies can hurt consumers, communities and entire regions, while serving no one but special interests. NAFTA means assuring the movement across our borders of people, as the flow of services, technology and knowledge is the key to our shared welfare.

We need to ensure that, while our national system of regulation protects our citizens and fully respects our constitutions, it remains as compatible as possible to increase the efficiency of our economics and enhance our global competitiveness.

Honourable senators, there is the next stage, which is to create the free trade agreement of the Americas by 2005 — a trading zone that would extend from Montreal to Monterey, from Hawaii to Honduras and from Easter Island to Nunavut. This would create a trading zone that would constitute an economic powerhouse of some 800 million people. It would also improve the lives of people in all of our nations, while fostering greater stability and respect for democratic values throughout the Americas.

This will not be easy but as Mr. Mulroney observed today:

...the remarkable thing about the FTA and NAFTA is that success emerged despite heavy obstacles and fierce opposition. The leadership and perseverance that forged these agreements are paying dividends today for all three partners. The power of a good idea should never be underestimated. It could happen again; it should happen again.

VIOLENCE AGAINST WOMEN

Hon. Mobina S. B. Jaffer: Honourable senators, human security remains a major challenge internationally, especially where it concerns the safety of women and girls. Violence against women continues to present barriers to the healthy development of communities worldwide.

[Translation]

Honourable senators, every year on December 6, Canadians are reminded that violence against women continues in this country. On the national day of remembrance and action on violence against women, we remember the 14 young women who were brutally murdered 13 years ago at the École polytechnique de Montréal. Equally significantly, we realize that violence against women remains a problem within our society.

[English]

Ms. Elaine Teofilovici of the YWCA of Canada stated that violence against women is a health and social epidemic. It requires a national response, not only adequate resources to address the needs of victims of domestic violence but we also require a substantial commitment to research and develop effective programs and services that help families move out of the cycle of violence.

● (1410)

Surveys of people across the country demonstrate that Canadians continue to believe that the problem of family violence is very real. There is much support for taking action to protect women from family violence and abusive situations.

[Translation]

Much remains to be done, honourable senators.

[English]

It is important that we, as parliamentarians, make every effort to help eliminate violence against women both at home and abroad.

[Translation]

CLOSED CAPTIONING

SERVICES AVAILABLE TO HEARING IMPAIRED USERS OF PUBLIC TRANSPORT

Hon. Jean-Robert Gauthier: Honourable senators, I recently visited two post-secondary colleges that give courses in computer-assisted stenotyping, which is the written interpretation that enables me to read what I cannot hear. I greatly appreciate the service the Senate provides me and would like to share it with others in the hearing impaired community.

I went to Edmonton and to Vancouver, and met with students and staff of the Northern Alberta Institute of Technology and Vancouver's Langara College. We discussed the training of captioners, a topic I shall be returning to in an inquiry sometime soon.

I flew with Air Canada. A person who is hearing impaired has serious trouble communicating during air travel. At the present time, boarding announcements or even safety messages on takeoff and during the flight are not available in real time. I have noticed, however, that there is closed captioning on the advertising messages shown to passengers. If it is possible to add closed captioning to ads, why not to the most basic of safety messages?

[English]

ROUTINE PROCEEDINGS

BANKING, TRADE AND COMMERCE

BUDGET—REPORT OF COMMITTEE ON STUDY OF STATE OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM PRESENTED

Hon. E. Leo Kolber, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Monday, December 9, 2002

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

THIRD REPORT

Your Committee, which was authorized by the Senate on Wednesday, October 23, 2002, to examine and report upon the present state of the domestic and international financial system, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to adjourn from place to place within Canada and to travel inside and outside Canada, for the purpose of such study.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

E. LEO KOLBER
Chair

(For text of report, see today's Journals of the Senate, Appendix "A", p. 373.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Kolber, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BUDGET—REPORT OF COMMITTEE ON STUDY OF THE ADMINISTRATION AND OPERATION OF THE BANKRUPTCY AND INSOLVENCY ACT AND THE COMPANIES' CREDITORS ARRANGEMENT ACT PRESENTED

Hon. E. Leo Kolber, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Monday, December 9, 2002

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

FOURTH REPORT

Your Committee, which was authorized by the Senate on Tuesday, October 29, 2002, to examine and report on the administration and operation of the *Bankruptcy and Insolvency Act* and the *Companies' Creditors Arrangement Act*; respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel, as may be necessary, for the purpose of such study.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

E. LEO KOLBER
Chair

(For text of report, see today's Journals of the Senate, Appendix "B", p. 379.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Kolber, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BUDGET—REPORT OF COMMITTEE ON STUDY OF PUBLIC INTEREST IMPLICATIONS OF BANK MERGERS PRESENTED

Hon. E. Leo Kolber, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Monday, December 9, 2002

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

FIFTH REPORT

Your Committee, which was authorized by the Senate on Tuesday, October 29, 2002, to examine and report on the public interest implications for large bank mergers, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel, as may be necessary, for the purpose of such study.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget

submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

E. LEO KOLBER
Chair

(For text of report, see today's Journals of the Senate, Appendix "C", p. 385.)

• (1420)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Kolber, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

OFFICIAL LANGUAGES

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Rose-Marie Losier-Cool: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Official Languages have power to sit at 4 p.m. today, Monday, December 9, 2002, even through the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

[English]

QUESTION PERIOD

THE SENATE

KYOTO PROTOCOL ON CLIMATE CHANGE—MOTION TO RATIFY—REQUEST FOR REPRESENTATIVES OF PROVINCES AND TERRITORIES TO APPEAR BEFORE COMMITTEE OF THE WHOLE

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, last week during debate on the amendment to the Kyoto motion it was suggested by amendment that we invite premiers or their representatives from provinces and territories to appear before the Committee of the Whole prior to taking a decision on the government motion concerning the Kyoto Protocol. The Leader of the Government was adamant in refusing such an invitation. I want to tell her that before moving the amendment, I contacted every premier to alert them that this amendment would be tabled, hoping for a positive reaction. Thus far, I have two responses in writing. I have more

verbal reaction, but I will only present to this chamber the results of the written ones. One of the letters is from the Premier of Nova Scotia, the Honourable John F. Hamm. I will lift the pertinent paragraph from the letter. I can assure senators that I am not detracting from the main thrust of the letter. The premier writes that "should the Senate of Canada provide an opportunity for dialogue on Kyoto and climate change, the Government of Nova Scotia would be very much interested in making a submission."

Honourable senators, I am sure the Leader of the Government will be interested in the other letter, she having quoted last week the views of a member of the Alberta government on the Senate. This is from Halvar C. Jonson, the Minister of International and Intergovernmental Relations, who writes on behalf of Premier Klein that "Alberta would be willing to make someone available to meet with members of the Senate to provide them with similar information." That means information on their views on the Kyoto Protocol and its impact on their province.

I will not give myself the importance of having received formal replies; however, we now have from two provinces written expressions of interest in coming before the Senate to discuss their concerns with the Kyoto accord. I dare say that more expressions of interest may be forthcoming.

Will the Leader of the Government in the Senate, on behalf of the Government of Canada, react constructively to these interests in appearing before the Committee of the Whole prior to senators being called upon to vote on the government's motion on the Kyoto Protocol?

Hon. Sharon Carstairs (Leader of the Government): As I indicated to the Honourable Leader of the Opposition last week, the purpose of the debate taking place in Parliament, and particularly in this chamber, is to solicit from senators their views on the Kyoto accord. I believe we should continue with that process. I am not willing to extend invitations beyond those who sit in this chamber.

Some Hon. Senators: Shame!

Senator Lynch-Staunton: That means that the views of the provinces, the regions of Canada, which we are historically responsible to represent, are meaningless. Therefore, we are just to entertain ourselves with views mainly based on ignorance. Those who have deep concerns, one way or the other, on the accord will not even receive the courtesy of being invited to make a written submission. Is that the case?

Senator Carstairs: Honourable senators, it is not a matter of submissions because we are not dealing with a bill. It is quite likely that there will be an implementation bill that must go into force with respect to the Kyoto Protocol. Should the legislation appear before the Senate of Canada and should the honourable premiers or their representatives choose to voice their points of view with respect to that implementation legislation, we would be very pleased to hear from them. However, as the honourable

senator knows quite well, the ratification can be done simply by Governor in Council. The Prime Minister decided that there should be at least some active participation on the part of parliamentarians, both in this place and the other place. That is what this week's debate is about.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, is the minister telling the house that it is her view and the view of the Government of Canada that the government will be able to ratify and implement this international treaty without the collaboration of the provinces of Canada?

Senator Carstairs: The position taken by the federal government is that international treaties fall within the ambit and powers of the federal government. Yes, it has the right, the ability and the powers to ratify the treaty.

Senator Kinsella: Is the Government of Canada of the view that it will be able to implement this treaty without the collaboration of the provinces?

Senator Carstairs: I have indicated to the honourable senator all along that it will probably require some form of implementation legislation at that particular point. Clearly, as a chamber that has established as part of its rules that it should hear from the provinces and territories when legislation is expected to impact upon them, it would seem to me that honourable senators at that point would clearly want to hear from territorial and provincial governments wishing to appear.

Senator Lynch-Staunton: Honourable senators, I request leave to table the two letters from which I quoted.

At the same time, I wish to say that I am very upset by the extraordinarily rude reaction — and I use the word "rude" advisedly — from the Leader of the Government in the Senate. She does not show any concern over the wishes of two provinces to come before our chamber, which is responsible for protecting regional interests, to give us their views on this protocol.

The Hon. the Speaker: Is leave granted to table the two letters, honourable senators?

Hon. Senators: Agreed.

NATIONAL DEFENCE

POSSIBLE WAR WITH IRAQ— COMBAT TRAINING OF TROOPS

Hon. J. Michael Forrestall: Honourable senators, I am reminded of helicopters. I might ask the minister if she would convey my congratulations to the Minister of National Defence, the first minister with guts to come to the government of this country in recent years.

Honourable senators, I should like to ask questions surrounding the combat training of the Second Battalion of the Royal Canadian Regiment and its preparations to go to Iraq. I asked similar questions of the government leader on October 3, October 10, October 22 and November 20. Each time that I asked, I was brushed off to some degree and told that it was routine training. I also mentioned training being conducted by 3 RCR Petawawa and received the same kind of an answer.

In the *National Post* of December 7, 2002, we saw the headline "Battalion prepares for war." Lo and behold, the article detailed 2 RCR's preparations in Gagetown for war with Iraq. Can the Leader of the Government in the Senate confirm that Canada does have a contingency plan to deploy the Second Battalion of the Royal Canadian Regiment to Iraq, either as part of the initial invading force or as part of follow-up troops?

• (1430)

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the honourable senator has asked this question before, as he indicated, and the answer is exactly the same as I gave him in October.

Senator Forrestall: Honourable senators, I am not on a need-to-know basis with the cabinet, and it is obvious that neither is the honourable senator. Join the crowd.

Can the government leader confirm that the Government of Canada has offered a battalion-sized ground force to the United States for a war on Iraq along with our Special Forces, CF18 fighter aircraft, and the ships that are presently in the Persian Gulf region?

Senator Carstairs: Honourable senators, so far, it has been an interesting afternoon. The Honourable Leader of the Opposition has called me "rude," and now the senator from Nova Scotia indicates that I am obviously not on a need-to-know basis with cabinet. Obviously, I do not have the knowledge to answer his question, and I will not.

Senator Forrestall: Honourable senators, in the spirit of Christmas, I will let that go by.

Senator Carstairs: Thanks a lot.

Senator Forrestall: I would not be too flippant with the members of this chamber.

The government of this country has misled me, through the government leader in this place, on probably as many as 70 different occasions. I do not particularly like being misled, not being told the truth; and I do not like the attitude of a government that thinks that that is quite all right.

There are families that would like to know what is going to happen to their loved ones. Are we going to send a battalion? Are we, in fact, training for that? Why was \$4 million worth of extra ammunition found for this training? It is not routine as the

minister suggests. It suggests much more than that. It suggests to Canadians that, with respect to training, we are preparing for a role in Iraq.

Would the minister confirm to this chamber that she has no knowledge of the training that the troops are undertaking? If she does have knowledge of it, could she explain to us why this high level of training is presently occurring at this extraordinary expense?

Senator Carstairs: Honourable senators, first, let me tell the honourable senator that I certainly have not lied to him.

Senator Forrestall: I did not say the Leader of the Government lied.

Senator Carstairs: Nor have I misled him.

Senator Forrestall: She has misled me.

Senator Carstairs: I have not misled the honourable senator.

Senator Forrestall: Then cabinet does not bother to tell the government leader what is going on. They cannot have it both ways.

Senator Prud'homme: Honourable senators, it is the Christmas season.

Senator Carstairs: The reality of the situation —

Some Hon. Senators: Order!

Senator Carstairs: Clearly, the honourable senator opposite believes that Canada is going to go to war. I hope we are not going to go to war.

Some Hon. Senators: Hear, hear!

Senator Carstairs: I deeply hope that the weapons inspectors who are presently travelling on our behalf, and on the behalf of all of the nations of the world who love and value peace, do not find anything of note in Iraq. I hope that there are no weapons of mass destruction. If there are, then that will have to be reported to the United Nations; and if it is reported to the United Nations, then the United Nations will have to make a decision.

Senator Forrestall: Only a fool hopes. A wise man prepares.

Senator Carstairs: Clearly, it seems to me we should be hoping for peace and not for war.

Some Hon. Senators: Hear, hear!

Senator Forrestall: I do not hope for war. I pray that there is no war.

I have no questions. What the heck would I ask a question for?

[Senator Forrestall]

CUSTOMS AND REVENUE AGENCY

AUDITOR GENERAL'S REPORT—ACCESS TO SPECIAL IMPORT MEASURES ACT PROCESS FOR SMALL AND MEDIUM-SIZED BUSINESSES

Hon. James F. Kelleher: Honourable senators, my question is for the Leader of the Government in the Senate and refers to Chapter 3 of the Auditor General's report, Special Import Measures Act.

We are a trading nation, but we are a fair trader. That means, like most other nations, that we do not allow other nations to unfairly subsidize what they sell to us or to dump our goods in the market at less than the cost of producing the goods. The Special Import Measures Act, or SIMA, sets out the legal framework to help us deal with unfair trading practices. The Auditor General has found that the process was becoming more difficult in general, and particularly so for small and medium-sized businesses faced with unfair trading practices. She noted:

In recent years there has been an increasingly heavy financial, time, and information burden associated in participating in the SIMA process. As a result, the process has become more difficult for users and the barriers to access may now be greater than they were before. Innovative ways need to be found to reduce these barriers wherever possible.

The government does tell us that it agrees with the Auditor General's recommendation, but it goes on to say that it will explore options to develop and implement measures to provide more support and assistance to small and medium-sized producers.

A promise to explore options is not a promise to take action. Does the government have a timeline or target date by which it will fully address the problems of access to the SIMA process by small and medium-sized businesses, not just by exploring options, but by acting upon them?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question referring to the Special Import Measures Act which protects against dumped or subsidized imports.

In 1996, two parliamentary subcommittees conducted a significant review of the SIMA and issued 16 recommendations to make it more efficient and responsive to Canada's economic needs. The Auditor General has indicated that almost all of those recommendations have now been put into effect, including legislation that has enhanced the process. It is also important to note that a telephone survey of users was conducted. It indicated that they were generally satisfied with the confidential information provided to the Canada Council by the Canada Customs and Revenue Agency and the Canadian International Trade Tribunal and that that information will remain protected. That was an important past concern that they had. The tribunal and the agency have guidelines and procedures to protect and control the release of that information.

As to the specific question of whether other actions will be taken, I would add that the government has indicated that they will move forward on this matter as quickly as possible.

Senator Kelleher: Honourable senators, the honourable leader certainly has a reasonably complete briefing book. I do recall that two parliamentary subcommittees looked at this question in 1996. Among the recommendations made at that time was a recommendation that the government take concrete measures to ensure fair and equal access to SIMA for small and medium-sized producers. However, this is where I depart from information the honourable leader has provided. My notes indicate that the Auditor General told us that the Canada Customs and Revenue Agency produced a plan in response to the recommendation, but implementation has stalled since 1998.

Why will the government not set a specific target date by which it will have taken concrete measures to ensure fair and equal access to the SIMA process to small producers?

• (1440)

Senator Carstairs: Honourable senators, I thank the honourable senator for his question. Senator Kelleher is correct — my briefing notes do not discuss the implementation of that particular initiative. Therefore, I shall make inquiries today to learn why it was stalled and what they intend to do to put it back into action.

THE SENATE

SELECTION COMMITTEE—REQUEST FOR REMOVAL FROM LIST OF MEMBERS ON ABORIGINAL PEOPLES COMMITTEE

Hon. Gerry St. Germain: Honourable senators, my question is directed to the chairman of the Selection Committee, Senator Rompkey.

Very briefly, I submitted a letter to the honourable senator asking that my name be removed from the list of members of the Aboriginal Committee. The honourable senator is nodding in the affirmative, I believe.

As to a reason for my request, honourable senators, it has to do with equal treatment. In this place, we are all supposed to be treated equally. Not every senator is a member of a committee, I never, ever agreed, honourable senators, after being stripped of my committee rights in 2000, to sit on any committee as an independent.

To me, this is not an issue of boycotting the Aboriginal Committee, because I think it does excellent work.

As a result of prorogation earlier this year, I lost Bill S-38, the proposed First Nations Self-Government Recognition Act. We are sitting on Bill S-9, the Louis Riel bill, on this side of the house. They refuse to debate a great bill about my political and quasi-spiritual leader.

Will the honourable senator please see that my name is removed from the list of members of the Aboriginal Committee. In order to best represent my region, honourable senators, I wish to attend other committees, relating to Kyoto, gun registration and cruelty to animals.

Hon. Bill Rompkey: Honourable senators, the honourable senator is free to attend any committee he wants to, as he knows. He does not need permission to do that.

With regard to his attendance at the Aboriginal Committee, the honourable senator did agree to attend that committee. There was an agreement between us that we would provide one of our spaces for him on the Aboriginal Committee, and, in fact, he did begin to attend that committee's meetings. However, honourable senators, I must say that his attendance has been less than stellar.

However, if Senator St. Germain wishes to have his name removed from the membership list of the Aboriginal Committee, we would be glad to take action to do that. However, that is a matter for the selection committee, because I, as government whip, cannot do it on my own. A meeting of the selection committee will be called in the near future, and, with the consent of my colleagues, we will remove Senator St. Germain's name from the membership list.

Senator Lynch-Staunton: Right away.

Senator Rompkey: No, we must wait.

Senator St. Germain: On a supplementary question, honourable senators, as much as the honourable senator says that I did agree, I have never, ever agreed to sit as an independent, but that is the position I was being put into. Honourable senators know that I wanted a reflection of the other place in this place in regard to the official opposition. Accepting independent status would defeat the purpose of what I was trying to accomplish when I asked that this place, under the leadership of Senator Austin, attend to Great Britain to see how it was done in the 1920s when the Labour Party came on the scene.

I never accepted in writing or completed any document to the effect that stipulated that I would sit as an independent. I would refuse to do that. If the honourable senator was misled by something I might have said, I want this place and the whole country to rest assured that I would never accept a position as an independent. I might have considered one sitting with my friends, the Tories, but that was not to be.

I would ask the Selection Committee to strike my name from the membership list of the Aboriginal Committee.

As to my committee attendance, it will be similar to what it is in this place, and it is stellar in this place, so let us get this record straight. The Leader of the Government in the Senate can attest to the fact that I am here to question her and maintain a high level of accountability from Western Canada.

Senator Rompkey: Honourable senators, the honourable senator is certainly here, I can see that. However, with regard to written agreement, certainly there was no written agreement. We do not always act in writing in this chamber. Sometimes gentlemen have agreements, but if the honourable senator refuses to be a gentleman, then so be it.

With regard to having a reflection of the other place in this chamber, that will never happen, and I hope it never happens.

Hon. Marcel Prud'homme: Honourable senators, in the spirit of Christmas, while we are still allowed to use the word Christmas, I wish to comment on this matter.

In all fairness to my colleague and neighbour, this is a very important matter. If the honourable senator's name is not removed from the membership list of the committee in question, and if, for reasons that he has so well expressed, he does not attend its meetings, then he becomes absent. Honourable senators are well aware that some of the press like to keep tabs on our attendance in this place and at committee. Therefore, in all fairness to the honourable senator, who has expressed strongly his wish to have his name removed, I think it should be removed. That will then allow him, as I do, to freelance and to go to committees that he feels are very important.

Likewise, I have never written any letter asking to be on the Banking, Trade and Commerce Committee. I have accepted — I think I am big enough to say that — and am very happy to sit under Senator Kolber. I am learning; I am a learner. Honourable senators all know that it was not my choice. Even though I did not apply, I made a private, verbal agreement with Senator Kolber. It became public.

I hope Senator Rompkey will acquiesce to the wish of Senator St. Germain.

The Hon. the Speaker: Senator Rompkey, I will not call on you. This process is more in the nature of a point of order than a question and exchange of information. I will hear it as a point of order at the end of Routine Proceedings. It is taking time from Question Period. I now intend to go on with Question Period.

JUSTICE

AUDITOR GENERAL'S REPORT—FIREARMS REGISTRY PROGRAM—COST OVERRUNS

Hon. Donald H. Oliver: Honourable senators, I have a question for the Leader of the Government in the Senate. Throughout the Auditor General's report on the gun registry, there was a recurring theme that Parliament was not properly advised as to the future costs of the gun registry program. We have already had one set of Supplementary Estimates for this current fiscal year for the registry amounting to some \$72 million more than was voted in the Main Estimates.

Can the government leader assure the Senate that we will not be asked to vote more money for this program next March through Supplementary Estimates (B)?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, neither I nor anyone else can inform the honourable senator of what will be in Supplementary Estimates (B).

We do know that, on Thursday, in the other place, a motion was introduced to withdraw \$72 million, which was included in those Supplementary Estimates from the firearms registry.

Minister Cauchon, who is responsible for the firearms registry, indicated that he was going to discuss and put into place an investigation of the future needs of that particular branch of government and that at that point he would report to Parliament.

The honourable senator began his supplementary question by asking if there had been reports to Parliament. It is quite interesting that today the Auditor General is quoted as indicating that certain blame has to be placed on parliamentarians. She made particular reference to members of the House of Commons, and in that reference she indicated that these had appeared, and I am informed that they have had 57 different notifications of changes related to this particular expenditure. Obviously, the other place did not give sufficient time and attention to getting to the bottom of what caused this, and the Auditor General urged parliamentarians, referring to members of the House of Commons almost in entirety, to start doing their job of estimate work.

• (1450)

FIREARMS REGISTRY PROGRAM—WITHDRAWAL FROM SUPPLEMENTARY ESTIMATES OF REQUEST FOR FUNDS

Hon. Lowell Murray: Honourable senators, I do have a supplementary question, but I cannot forbear to remark that the Standing Senate Committee on National Finance has been tracking the spending problems with this issue for more than five and a half years. I will refer to that in some detail when I get the opportunity to speak on the interim supply bill, which will be coming forward in due course.

My question, however, supplementary to that put by Senator Oliver, is to ask the Honourable Leader of the Government for an undertaking that the government will not try to recoup the money it has withdrawn from the Supplementary Estimates by resorting to Treasury Board vote 5, the contingency vote. To do so, I think she would agree, would be, on the part of the government, a very serious breach of faith with Parliament.

Hon. Sharon Carstairs (Leader of the Government): I must reply to the honourable senator that I have no indication from anyone that that approach would be used. I believe that public scrutiny is such now, having been carried out by the Senate for some time, although not in the other place, that the government would not try to avail itself of that particular vote.

FIREARMS REGISTRY PROGRAM—INCREASE IN FIREARMS MURDERS—REQUEST FOR BREAKDOWN ON ABORIGINAL APPLICANTS REJECTED

Hon. Gerry St. Germain: Honourable senators, my question is directed to the government leader in the Senate. She always uses the phrase "let us be honest." This is her phrase. If we are to be honest, have I not stood here time after time telling her that this program would not work and that it would have a horrendous cost? It says here that since the registry opened, firearms murders in Canada have risen 13 per cent. It is strange that that little fact did not make the list of the Minister of Justice. It was this very minister who was saying that everything had gone down since the firearms registry was put in place. I believe that statistic to be accurate. I would not presume that anyone would print something that could not be supported.

At the same time, with regard to the 7,000 people whose applications have been rejected, could the Leader of the Government tell us how many of them were Aboriginals?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the statistic the honourable senator is using is not the statistic that I have. We can, of course, get into an argument about lies, damned lies and statistics if we want to, but the indications are that, in fact, the program is working. The costs are a totally different issue.

In terms of the question that the honourable senator specifically asks, to the best of my knowledge, there has not been a breakdown of who has not been registered on the basis of whether they are Aboriginal or non-Aboriginal.

Senator St. Germain: Can that information be made available?

The Hon. the Speaker: Honourable senators, I regret to advise that the time for Question Period has expired.

CRIMINAL CODE FIREARMS ACT

DIVISION OF BILL—ACCURACY OF MESSAGE TO COMMONS—POINT OF ORDER—SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, last Thursday, December 5, Senator Lynch-Staunton rose on a point of order regarding the whereabouts of Bill C-10. He wanted to know whether the bill is still before the Standing Senate Committee on Legal and Constitutional Affairs or whether it was returned to the House of Commons with the message.

[Translation]

Several senators made some comments on this point of order before I closed the proceeding with a commitment to return to the Senate with a ruling. I am prepared to rule now.

[English]

Honourable senators, there seems to be little doubt that the proceedings on Bill C-10 have been somewhat difficult to follow. This is largely because dividing a bill has not been a frequent feature of our practice, though it is within our power to do it. Be that as it may, there have been few instances or attempts recorded in the Journals of the other place and, as all senators now know, the only previous attempt to divide a bill in the Senate occurred in 1988.

[Translation]

In describing the nature of the process, I will explain what in fact happened to Bill C-10 and why the committee remains in possession of Bill C-10B.

[English]

The Senate received Bill C-10 on October 10, 2002, and gave it second reading on November 20, when the bill was also referred to the Standing Senate Committee on Legal and Constitutional Affairs. At the same time, the Senate instructed the committee to divide the bill into two bills. This instruction allowed the committee to report its study of Bill C-10 on two separate bills. The committee reported on November 28 and, following the instruction of the Senate, it divided Bill C-10 and reported one portion as Bill C-10A without amendment. The balance of the original Bill C-10, dealing with cruelty to animals, now designated Bill C-10B, was retained by the committee for more study.

That same day, November 28, the Senate adopted the report of the committee. As of that date, therefore, for all intents and purposes within the Senate — and I must stress this point, from within the Senate — Bill C-10 existed as two bills, Bill C-10A and Bill C-10B. The Senate proceeded to debate Bill C-10A while leaving Bill C-10B with the Standing Senate Committee on Legal and Constitutional Affairs. The committee has yet to report the results of its work on this second bill, but as we know from the comments that were made on this point of order, the committee is continuing its hearings.

Consistent with our practice, the scheduling of hearings is a matter for the committee to decide. Once a committee has an order of reference from the Senate, it is master of its own agenda and procedure.

Bill C-10A was read a third time and passed on December 3. Following this decision, I read out to the Senate, as is our custom, the message to be sent to the House of Commons informing it of what we had done. The message indicated that the Senate was returning to the Commons its Bill C-10 as divided by the Senate, together with the information that the Senate has passed Bill C-10A without amendment and was continuing to study Bill C-10B.

Of particular importance, the message requested the concurrence of the House of Commons in the division of Bill C-10. This is highly significant. From the point of view of the House of Commons, only Bill C-10 exists. We in the Senate have elected to divide the bill, creating Bill C-10A and Bill C-10B, but as it is a Commons bill, the concurrence of the House of Commons is necessary to fully implement the actions taken by us in the Senate. In reality, this is no different than when we as the Senate amend a Commons bill. The agreement of the Commons is required in order to properly perfect the amendment.

In due course, the Senate will be advised of the Commons' decision by a return message. If the House of Commons agrees to the division and accepts Bill C-10A without amendment, Bill C-10 will cease to exist and Bill C-10A will proceed to Royal Assent. If the Senate completes its review of Bill C-10B without amendment, a message will be sent to the Commons informing it that we have passed Bill C-10B and it, too, will be placed on the list for Royal Assent. If the Senate amends this bill, it will have to be returned to the House of Commons, but as Bill C-10B this time, for the concurrence to any amendment.

[The Hon. the Speaker]

If the House of Commons does not agree to the division of Bill C-10, the Senate will have to decide whether it will insist on the division or whether it will accept the position of the House of Commons to keep Bill C-10 whole. If the Senate accepts the position of the House of Commons, Bill C-10A will be rejoined to Bill C-10B. One obvious way to do this would be to return Bill C-10A to committee with an instruction to combine it to Bill C-10B, thus restoring Bill C-10.

Of course, there may be different permutations and combinations, but this I believe is the general outline or sequence of events that can take place as we proceed to the final steps in our deliberation on what was received from the Commons as Bill C-10, out of which we made Bill C-10A and Bill C-10B.

Finally, with respect to the notice of the Standing Senate Committee on Legal and Constitutional Affairs, this is an administrative matter and is of no important procedural significance. It may be that the notice reflected the original order of reference relating to Bill C-10. It might have been preferable if the notice had read Bill C-10B which would have taken into account the consequences flowing from the decision of the Senate adopting the second report of the committee dividing Bill C-10, reporting Bill C-10A without amendment and retaining Bill C-10B for further study. As I indicated, this is an administrative matter and does not impact on the work of the committee.

• (1500)

If Senator Lynch-Staunton's point of order is that Bill C-10 is still before the committee, I am obliged to inform him that, based on my understanding of the proceedings that have taken place thus far, there is no point of order. Bill C-10B is still in committee, not Bill C-10.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I do not want to prolong this matter. However, as His Honour said in his original remarks, and lest I be told I am challenging his opinion, how can a committee examine a split bill to which the House of Commons has not yet agreed?

The Hon. the Speaker: Honourable senators, at this point I should reflect what our rules state regarding a ruling by the Speaker. That is to say, they can be challenged, but they cannot be debated. I believe the rationale for that is that, inevitably, if debate occurs, then the matter of the ruling simply becomes a matter of argument among honourable senators and that might take away from the ruling.

Honourable senators, I have no problem trying to answer questions and so on. However, I believe that would have to be done with leave.

Senator Lynch-Staunton: Honourable senators, I am aware of the rules, and I know I am treading a fine line. However, I reserve the right to raise this matter tomorrow as a point of order.

POINT OF ORDER

Hon. Gerry St. Germain: Honourable senators, I rise on a point of order.

His Honour raised the fact that the subject matter of the question I asked of the Chairman of the Committee of Selection should possibly be raised as a point of order. I seek His Honour's guidance as to whether he wants me to raise this matter as a point of order; or, in his view, have I placed my case adequately before the Senate?

The Hon. the Speaker: Honourable senators, in the exchange between Senators St. Germain and Rompkey, it seemed that a question had been put and answered and that something else, perhaps debate, was following, which is not within the context of what is envisaged by Question Period. I stated that the exchange should cease and that Question Period should continue because it lasts for only half an hour. To the extent we use up the time with matters such as those raised by Senator St. Germain, it does not leave enough time for questions. Indeed, today we ran out of time, which is one of the few times that has happened.

If the honourable senator wants to raise this issue as a point of order, I believe he can. However, by listening to the exchange during Question Period, I believe that the matter has been resolved in that the issue to which the honourable senator was objecting has been identified and addressed by Senator Rompkey as Chairman of the Committee of Selection.

Senator St. Germain: Honourable senators, so that there is no mistake as to the resolution of this matter, once again I go on record to indicate that I wish to have my name removed from the list of members of the Aboriginal Peoples Committee on which I was placed by the Liberal whip, who is Chairman of the Selection Committee.

I also wish to state that I would never have greed to sit as an independent member. Honourable senators, we in this place have a choice. As I pointed out to honourable senators, we are all to be treated equally. Some senators do not sit on committees. My reasoning is very straightforward. I am trying to reflect the will of the Official Opposition in the House of Commons. By virtue of that fact, I cannot sit effectively on simply one committee because of the litany of issues that come across our table.

As well, the argument that I put forward in my attempt to seek recognition in the Senate was that I did not want to be treated as an independent senator. That is still my argument, one on which I was overruled. I accept that I was overruled. I accept the wisdom of the Senate at this time, in the hope that we may be able to reopen this case.

Honourable senators, as Senator Rompkey clearly stated, I would like to go forward on the basis of being able to sit on any committee that reflects the issues of my region, whether it be concerning the Kyoto Protocol, gun registration or whatever.

Honourable senators, I ask that this request be considered by His Honour.

The Hon. the Speaker: Honourable senators, all the points that the honourable senator wanted to make have been put on the record. I note that, perhaps, we are repeating some of them.

Hon. Bill Rompkey: Honourable senators, Senator St. Germain said that he wanted to set the record straight. He did not set the record straight. He and I clearly had a conversation, the outcome of which was that he would serve as a member of the Standing Senate Committee on Aboriginal Peoples.

Senator St. Germain: I disagree vehemently with the honourable senator.

The Hon. the Speaker: On points of order, honourable senators, the Speaker is entitled to rise when he or she thinks that enough argument has been made to clarify what is at issue. I rule, at this time, that I have heard and understand what is at issue. I do not consider it to be a point of order.

However, in the course of the discussion I believe that good information has been exchanged between Senator St. Germain and the Chairman of the Committee of Selection, Senator Rompkey, as to what he would like to have done with respect to being removed from the Aboriginal Peoples Committee.

Senator St. Germain: Honourable senators, this has turned into a question of privilege. The honourable senator has called into question my integrity. He talked about a gentleman's agreement. I say that this is Liberal majority bullying, and that is it.

[Translation]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I would like to call, under Government Business, Item No. 1 under Reports of Committees, continue with Item No. 4 under Bills, and then get back to the Orders of the Day as listed on the Order Paper.

[English]

THE ESTIMATES, 2002-03

REPORT OF NATIONAL FINANCE COMMITTEE ON SUPPLEMENTARY ESTIMATES (A) DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Kinsella, for the adoption of the second report of the Standing Senate Committee on National Finance (Supplementary Estimates (A) 2002-03) presented in the Senate on December 4, 2002.

Hon. Anne C. Cools: Honourable senators, I rise to speak to the second report of the Standing Senate Committee on National Finance on Supplementary Estimates (A) 2002-03. I shall begin by looking at page 8 of this report.

The report cites Treasury Board official, Mr. Richard Neville, Deputy Comptroller General, in his appearance before the committee on November 26, 2002. In responding to committee members' questions about an additional and new \$72 million appropriation to the Department of Justice, he said:

From the Treasury Board Secretariat perspective, we are very concerned about this file....I will say that we are extremely concerned about this file.

This particular statement was in response to committee chair, Senator Lowell Murray's question, which was:

Is it fair to ask whether, at the official level, you are concerned about the growth of spending in that area?

A few days later, on November 28, 2002, the *Globe and Mail* article by Kim Lunman headlined "Gun Registry to cost around \$1 billion" reported this testimony about the additional and new \$72 million appropriation to the firearms program. A few days later the Auditor General's report on these extravagant costs of the firearms program formed national headlines from coast to coast.

Honourable senators, I wish to focus on the \$72 million requested by the Department of Justice for the firearms program, its current status in Supplementary Estimates (A) and the fact that this \$72-million request is before us now, despite the fact that the request no longer exists.

• (1510)

That is a curious thing, honourable senators. Just last week I was talking about the Minister of Justice, and I said that he has the ability to make bills appear, disappear and reappear. It now seems that appropriations appear, disappear and reappear.

POINT OF ORDER

Hon. Anne C. Cools: Honourable senators, what I shall do is articulate my concerns in the form of a point of order. I am now raising a point of order.

Honourable senators, if we were to look at Supplementary Estimates (A), 2002-03, which is contained in this Blue Book, the particular appropriations that we are speaking about are contained at page 109. They are in the forms of vote 1a and vote 5a.

Last Thursday, December 5, during Question Period in this chamber, Senator Carstairs, Leader of the Government in the Senate, responded to a question with the following words:

Honourable senators, as an example of the fact that the minister is doing his job, the supplementary funds for the firearms program, in the amount of \$72 million, has, as of

today, been pulled from the Supplementary Estimates. It has been pulled because the honourable minister recognized that there were serious concerns. Yesterday, the minister indicated that he would take action and, as of this morning, he has taken action.

Honourable senators, one would believe from those comments that the Minister of Justice was taking action in the House of Commons or somewhere else to pull that \$72 million out of the Supplementary Estimates, so I looked at the record to see what the minister himself had to say.

I noticed that in the House of Commons on December 5, 2002, last Thursday, during Question Period, the Minister of Justice, Mr. Cauchon, gave the following but different statement:

Having said that, through supplementary estimates, we have obtained an additional amount of money. We are getting ready to vote on \$72 million tonight, which we will postpone to give us the time to have access to the audit, if we have unanimous consent of the House.

On the floor of the House of Commons, the Minister of Justice did not pull anything; rather he said that he was hoping to postpone a vote on this \$72 million.

A few minutes later the same afternoon on the floor of the House of Commons, he said again:

...I said that we want to postpone the vote on the \$72 million but that we need the unanimous consent of the House.

Honourable senators, this is all very curious because from what was said here in debate last Thursday on the floor of the chamber, we were led to believe that the minister would withdraw or pull the \$72 million out of the Estimates. At the time, I remember remarking to myself that this is extraordinary. I have never heard of a minister moving a motion to amend his own Estimates in that way.

That is why, honourable senators, that day I chose to take the adjournment of the debate so that I could look to the record myself in order to read and to discover what really happened. Obviously, there is something wrong since the account of Senator Carstairs does not tally with the account of the Minister of Justice. I went to the record and discovered that what happened tallied with neither account. I looked up the record of the House of Commons that same day, and I read. I noted that the following motion was carried. I would like to quote the Speaker of the House of Commons, Mr. Milliken, who said:

Then I will put the question again. The motion is as follows:

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC) seconded by the member for Yorkton—Melville, moved:

That the Supplementary Estimates (A) be amended by reducing vote 1a under Justice by the amount of \$62,872,916 and vote 5a under Justice by \$9,109,670 and that the supply motions and the bill to be based thereon altered accordingly.

The Speaker continued:

The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

That is the record of the House of Commons debate of that day.

Honourable senators, in parliamentary terms, the minister did not pull \$72 million from the Estimates. Nothing was withdrawn from the Estimates in these terms. What happened on the floor of the House of Commons, in parliamentary terms, is a stunning defeat for the government and the minister. What happened is that a Conservative member of the opposition, Peter Mackay, moved a motion to reduce the Estimates of the department by \$72 million, and, in point of fact, that motion carried. It was adopted.

Honourable senators know that in other days such a dramatic and stunning defeat would have led to a ministerial resignation. I wish to put on the record here that the minister did not pull anything. He did not withdraw anything. He was defeated. The House of Commons moved and carried a motion to reduce the Estimates by \$72 million.

Honourable senators, my question then becomes: If the House of Commons carried a motion to reduce the Supplementary Estimates (A) by \$72 million, why are we voting today on that same \$72 million? Why are we voting on the Supplementary Estimates today as still including that \$72 million?

Honourable senators, as I said before, let us look to the Estimates at page 109. We see that the Supplementary Estimates are asking for new appropriations for the Department of Justice through vote 1a and vote 5a, and the two of them together total \$179 million, which still includes the \$72 million for the firearms program. This motion is asking us, the Senate, to approve these Supplementary Estimates in these amounts.

Honourable senators know that a vote and approval of the report of the National Finance Committee in the Senate is the Senate's process for approving Supplementary Estimates (A). This is something that I have felt pretty strongly about over the years, that, in point of fact, the process in the Senate is quite different from the process in the House of Commons. In fact, the vote and the debate in the Senate chamber on the Senate committee's report is, in point of fact, the debate on the Estimates. In other words, the vote on the question that is before us is the Senate's process of getting Senate concurrence for the Supplementary Estimates. That concurrence, an agreement to Supplementary Estimates (A), then, is the signal, in turn, to bring on the Appropriations Act.

As honourable senators know, I have endeavoured to keep those two elements in that order. I should like to take a second to read Beauchesne's sixth edition, paragraph 968(1):

The concurrence by the House in the Estimates is an Order of the House to bring in a bill, known as the Appropriation Bill, based thereon.

Now, honourable senators, there is a problem with this motion before us. Perhaps we have forgotten the motion, but essentially the motion states:

Resuming debate on the motion of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Kinsella, for the adoption of the Second Report of the Standing Senate Committee on National Finance (*Supplementary Estimates (A) 2002-03*) presented in the Senate on December 4, 2002.

Honourable senators, very clearly this motion is not abreast of the current state of affairs. The problem is that this motion is asking us to approve an amount contained in Supplementary Estimates that is no longer valid, no longer true and no longer accurate. In addition, it is an amount that has already been repudiated by the House of Commons and has already been removed from the Estimates by a motion in that place.

• (1520)

The Senate cannot now vote to approve that amount — particularly that \$72 million. It simply cannot. The Senate cannot concur in these Estimates and vote on this motion without taking cognizance of this \$72-million reduction.

In point of fact, honourable senators, there should have been an equivalent action to ensure that that number was revised in a committee of this place and by this chamber. In actual fact, the Supplementary Estimates (A) no longer include that \$72 million. It is not good enough to say that this report was adopted in a committee before that other action was taken — and I do not dispute that at all — but once such an event occurs in the House of Commons, then the Senate has the duty to take cognizance of that fact and to correct the situation. It must either refer the bill back to the same committee with the new information, deal with it in Committee of the Whole, or move an amendment to the current motion that is before us asking us to concur with the actions of the House of Commons.

Honourable senators, the Senate simply cannot ignore this situation and act as though it has never happened. As I said before, the Senate must take cognizance and consider the removal of the \$72 million from Supplementary Estimates (A), 2002-03.

Honourable senators, in the House of Commons, the minister Lucienne Robillard, President of the Treasury Board Secretariat, moves particular separate and independent motions for concurrence in the Estimates, but in the Senate the process is different. Here, the motion for concurrence of the Estimates is the motion for the adoption of the committee report on the Estimates, the very motion which is before us now.

The fact is that Supplementary Estimates (A) 2002-03 are now reduced and no longer reflect the quantum when this report was adopted in the Senate committee, and the Senate has a duty to make those corrections here on the floor of the chamber. The new quantum must be included in this debate, and it must be considered in this vote. The new quantum must be a part of this vote on Supplementary Estimates (A) because Supplementary Estimates (A) were substantially and substantively amended a few days ago in the House of Commons. There is no doubt that the Senate can accept or reject these Supplementary Estimates, but the Senate cannot vote on a quantum of dollars that is no longer accurate or true and is now fiction. The Senate and honourable senators must not be misled in this way. It is misleading for senators to vote on these Supplementary Estimates on the basis of the old quantum in the full knowledge that the old quantum is no longer valid.

Honourable senators, it is also a well-known maxim that the Speaker or the chair should not put a question that has been demonstrated to be inaccurate, defective or invalid, and for that reason I have asked His Honour to rule on this question, saying that this motion before us is defective and out of order. It is defective because it no longer reflects the current reality, which is that that \$72 million has been removed from these Supplementary Estimates in the Commons and that should be removed in the Senate before the Senate makes a final decision on these Estimates. Supplementary Estimates (A), as it exists now, is not the same Supplementary Estimates (A) that were before our committee. There has been a dramatic change.

The Hon. the Speaker: Senator Cools, I should like to give other honourable senators an opportunity to speak to your point of order. I will give you an opportunity to make some concluding remarks when we have heard from other senators.

I should not enter into the debate now, but it would be helpful to me to know what happened in the other place and what ability we have in this place to deal with what happened in the other place.

I should also like to know why this was raised as a point of order under Reports of Committee rather than under the order dealing with the bill itself.

I should like to give Senator Cools a full and fair opportunity to be heard, but I would invite other honourable senators to comment, if they wish. Senator Cools will have an opportunity to make some concluding comments before I give my ruling.

Senator Cools: I would love to be able to finish my remarks, Your Honour. I only have a little bit left. These are very difficult and complex matters.

The Hon. the Speaker: Please complete your remarks.

Senator Cools: Honourable senators, I was just about to say that we are not, in point of fact, trying to deal with what happened in the House of Commons. I am proposing that we deal

with here the real state of the Supplementary Estimates (A), 2002-03, and the actual dollar numbers that we are being asked to vote upon. We have a duty to ensure that the information before us is accurate and reflective. That is my first point.

The second item is, in point of fact, that this is the stage of the debate where we are considering Supplementary Estimates (A). As I said before, this rubric, which many of you do not know very well, is the actual item that is being debated now, and the change made in the House of Commons is a change to this blue document. Debating this when Bill C-21 comes before us later this day will not be particularly helpful because the amendment that was made in the House of Commons was to the Supplementary Estimates (A), not to the bill itself. As a matter of fact, the bill was reprinted. It was never amended at all. It would not be particularly helpful to debate these issues when Bill C-21 is before us in a few moments.

One must understand what is really happening here. We are now being asked to vote on this Blue Book which is called the Supplementary Estimates (A), and I would submit that the vote as articulated and the motion as articulated no longer reflect the reality. The final numbers, particularly the \$72 million that we are being asked to vote on are now out of date and, quite frankly, inaccurate if not false.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I feel that there is no point of order here. The committee did its job on a series of supplementary estimates that were presented to it. They were analyzed. I attended the meetings. Questions were asked, and certainly a great many qualms were expressed regarding one particular expenditure. However, respect was given to the right of the House of Commons to determine the expenditures. We can only analyze and suggest.

The Estimates as presented to the committee remained the same when the committee reported. Changes have been made in the supply bill. It will be up to us to decide whether we support the supply bill. However, I believe that the committee did its job properly and well.

Again, I take advantage of my standing on this point of order to thank the officials at Treasury Board who appeared before the committee to give us such a precise and intelligent analysis. It is unfortunate that the House of Commons does not get the benefit of the same wisdom.

Hon. Lowell Murray: Honourable senators, Senator Cools has raised some matters that have been raised before in this place and which I believe need to be clarified and resolved.

The honourable senator has always contended, and I respect and appreciate this, that the Senate should deal with the report of the Finance Committee on the Estimates before proceeding to deal with interim supply.

Senator Cools: Absolutely.

Senator Murray: She has gone so far as to suggest that we should adopt the committee report before we proceed to deal with interim supply.

I agree with the honourable senator to the extent of saying that that is, I believe, wise and prudent parliamentary practice. Where I disagree with the Honourable Senator Cools is that I do not believe that we are obliged, necessarily, to proceed in that order.

That was my position when I sat on the other side, and I have not changed my mind on that matter. Perhaps the honourable senator can cite some convention or rule or authority in the Senate to the contrary.

• (1530)

More serious, however, is her contention that adoption of the report of our committee is approval of the Estimates. I do not believe that is the case. In no report that the committee has brought forward in my memory, and certainly not in the one before us now, does the committee recommend that the Senate concur in the Estimates. The Senate is not asked to concur in the Estimates. The Estimates are sent to a committee. Officials appear or are sent for and we discuss the Supplementary Estimates. We make our comments, which are fairly substantive and speak for themselves. The report is adopted, and then we proceed, normally, to deal with the interim supply bill.

The question that should only be asked when the interim supply bill is before us is: Does the interim supply bill reflect the withdrawal, if that is what it was, of \$72 million, if that is what the amount is? That is the question that will have to be answered at the appropriate time. I do not agree that adoption of this report in any parliamentary sense is concurrence in the Estimates. We are not asked to concur in the Estimates. We comment on them. We ask the Senate to look upon our report favourably and, in this case, to adopt it.

The question that my friend raises is, at least, premature. I hope that when a ruling is made, we might profit from the occasion and settle the matter to which I referred, that is, whether the adoption of the committee report is imperative before we proceed to the interim supply bill and, second, whether Senator Cools is right that adoption of the report is concurrence in the Estimates or whether I am right that it is not.

Hon. Herbert O. Sparrow: Honourable senators, the Standing Senate Committee on National Finance has presented its report, but new information has arisen. Should the committee then re-examine those Estimates? There are new Estimates out there. I am reluctant to refer to Bill C-10 again, but where are the Estimates now that should be going back to the committee? The Estimates refer to certain facts that have now been changed by the other House. The Estimates have been reduced by \$72 million.

Do we just ignore that development? Do we accept the Senate committee's report and then proceed to pass the supply bill without recognizing the fact that there has been this change in the Estimates?

Senator Murray: Honourable senators, the committee is in the hands of the house. If the house wishes to refer the Estimates back to us, we would take them on board. It must be clearly stated that it is not necessary for the committee to recommend concurrence in the Estimates and it is not necessary for the Senate to concur in the Estimates.

As I have suggested, if the interim supply bill reflects the reduction of \$72 million, if that is the amount we are talking about, then that is the opportunity for the Senate as a whole, if not the committee, to debate that issue.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have very little to add to the comments already made by the honourable senators who are against the point of order. As Honourable Senator Lynch-Staunton said, the Supplementary Estimates (A) were referred to the committee. The committee reviewed them, it held consultations and it put questions to the appropriate witnesses. The committee then drafted a report on its study.

At this point, we are not being asked to vote on the amounts but, rather, on the study made by the committee. The amounts will be before us along with Bill C-21, the appropriation bill.

I fully support Senator Murray when he says that this bill clearly reflects the fact that the \$72 million were withdrawn, since the bill before us comes from the House of Commons and, as you will see, reflects accurately what occurred in the other place. We will then have to vote on the amounts authorized for the government to conduct the business of the country.

I do not see how this point of order could be defended. We should continue, adopt the report, and then move on to the appropriation bill.

[English]

Hon. Joseph A. Day: Honourable senators, I rise to go on the record to agree with the Chair of the Standing Senate Committee on National Finance, Senator Murray, that we are asking, in this motion, for the acceptance of the report of the Standing Senate Committee on National Finance, not to approve the Supplementary Estimates, but merely to accept the report of the committee.

With respect to Senator Sparrow's point, surely he is not suggesting that our committee spend a little more time considering an item that now might not appear in the appropriations bill and, therefore, make our deliberations invalid. The fact that the deliberations of the National Finance Committee included something that might not appear later on should in no way render the report invalid.

Senator Cools: Honourable senators, I share in Senator Lynch-Staunton's admiration of this committee's work, particularly the quality of work done by Treasury Board officials and the thoroughness of their testimony before National Finance Committee year after year. I think very highly of these gentlemen, and I am not shy to say it. I have great respect for them. I have enormous admiration for how they handle the questions we pose.

However, I think there is a misunderstanding that the committee report is nothing other than just a simple view of the committee. It is the view of the committee, but the fact is that committee report of that committee study represents the totality of the study done by the Senate. For Senator Day to present the view that he did is to grossly underestimate the work that the Finance Committee has been doing and the real task that the Senate entrusts to the Finance Committee. I point out that most of these reports are adopted, but the Senate has the duty to approve or disapprove the reports. I would suggest to Senator Day that it would be dangerous, indeed, deadly if the Senate were to reject one of those committee reports because that would be a huge judgment on the Estimates themselves. The honourable senator does not seem to appreciate that. I hope, for his sake, that it does not happen too often in this house.

• (1540)

Honourable senators, the acceptance or the rejection of the opinion of the committee is important, indeed, critical. It is a well-known fact, which I have stood by for years, that the order to bring forward the supply bill is the concurrence with the Estimates. For example, at page 2356 of the *House of Commons Debates* of December 5, 2002, under "Supply," the Honourable Lucien Robillard, President of the Treasury Board, moved that Vote 5a, in the amount of \$44,411,117 in the Supplementary Estimates (A) for the fiscal year 2002-03, be concurred in. We do not follow that kind of practice in this house.

We must remember, honourable senators, that with various amendments and corrections to the rules of Parliament over the years, many processes have been shortened in that they are now considered to be inherent in other processes. For example, there was a time, after third reading of a bill, when the Speaker would rise to put the question that the bill be now passed or adopted. We no longer do that because we now take the position that the bill is adopted by the actual third reading. The same process occurs in respect of the concurrence with the Estimates. I pray that the government never has to face a time when the Senate would not concur with one of those reports. Senate concurrence with these Estimates is obtained through the adoption of the committee's report.

With all due respect, honourable senators, to dispel any misunderstanding, which can grow like Topsy in this place, there are two different processes. The consideration of the Estimates is a totally different process than that of consideration of the bill. They are related processes and they employ much of the same subject matter, but they are two different processes. What can be done in one process cannot be done in the other process; it simply does not work that way. If honourable senators were to look to the House of Commons' process, they would see that much of the process is done in Committee of the Whole. However, we do not do it that way.

Make no mistake, honourable senators, in the vote on the motion to adopt the committee's report, the Senate is being asked to give its concurrence with the Estimates. To alter that connection, I think, is a dangerous proposition. The house may proceed down that road if it so wishes.

[Senator Cools]

Honourable senators, I wish to state clearly that the concurrence of this house in the report is an Order of the House to bring on the bill. Bill C-21, which will come before us later this day, does not even contemplate what we are talking about. After the Honourable Lucienne Robillard's motion was carried in the House of Commons, the Treasury Board individuals, with their usual speed, goodness, hard work and industry that they are so accustomed to rendering to this place, were able to reprint the bill. Thus, the bill has never been amended and, as introduced in the House of Commons by Minister Robillard, it does not contain —

Some Hon. Senators: Order!

SPEAKER'S RULING

The Hon. the Speaker: As honourable senators have heard me observe before, the presiding officer must make a decision as to when he or she has heard enough on a point of order to be able to deal with it. With respect to this point of order, I thank honourable senators for their assistance. Of course, we are not unfamiliar with such a matter being raised by Senator Cools and so I will deal with it now.

The honourable senator's point is: Is the current proceeding in the house in respect of the second report of the Standing Senate Committee on National Finance in order or out of order? Senator Cools has expressed her concerns about the way in which proceedings occurred in the other place. With respect to that, we have no control over what happens in the other place. The Senate communicates with the House of Commons by message. As it happens, with respect to this matter, we have a message from the Commons on Bill C-21, which is now on our Order Paper. I do not find that to be a matter that we can even inquire about because the orderliness in the other place is a matter for the other place.

The issue has arisen as to whether the adoption of the report equates with the adoption of the Estimates. If it were to equate, then this would be improper because the Estimates that were studied by the committee do not contain all of the changes that Senator Cools has described, which, according to her, were made in the other place. Other senators commented on that fact.

My view is that the study of the Estimates is simply that. What is available to the committee in its study and in the preparation of its report is within the power of the committee to determine. The committee has, as Senator Murray commented, discussed the Estimates, made recommendations and reported on them. That is all. The Supplementary Estimates are not the report of the Senate committee studying them; rather, the Estimates concurred in by the House of Commons are contained in Bill C-21. In that regard, I do not consider anything to be out of order with respect to what has happened in the other place and what is happening here.

Senator Day expressed the view that the report is an opinion of the committee; and that, with respect to changes as time has passed since the Supplementary Estimates were tabled, referred to committee and studied. The study does not render the work of the committee invalid. I find that there is no point of order in this instance, honourable senators.

I make no comment on Bill C-21. That will be dealt with at a later time.

Honourable senators, the house now resumes debate on the second report of the Standing Senate Committee on National Finance.

Is the house ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Murray, seconded by the Honourable Senator Kinsella, that this report be adopted. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Senator Cools: On division.

Motion agreed to and report adopted, on division.

APPROPRIATION BILL NO. 3, 2002-03

SECOND READING—DEBATE ADJOURNED

Hon. Joseph A. Day moved the second reading of Bill C-21, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003.

He said: Honourable senators, I rise to speak to Appropriation Bill No. 3, 2002-03 that is before us. Bill C-21 deals with and proposes to provide for the release of \$5.7 billion, which represents the total of the amount set out in the Supplementary Estimates (A) for 2002-03, less funding for the Canadian firearms program of \$72 million.

We have had an extensive and protracted debate with respect to the issue of the \$72-million figure for the firearms registry program, which was in the Supplementary Estimates (A) when they were referred to the Standing Senate Committee on National Finance. I do not intend to debate that issue further at this time other than to assure honourable senators that that amount is not in the schedules attached to Bill C-21.

• (1550)

Supplementary Estimates (A) were tabled in the Senate on October 31, 2002, and referred to the Standing Senate Committee on National Finance. These are the first Supplementary Estimates for the fiscal year that ends March 31, 2003. Supplementary Estimates are provided because not sufficiently developed or known amounts were available at the time of the Main Estimates. Therefore, better defined amounts are brought forward at this time in the Supplementary Estimates.

The 2002-2003 Supplementary Estimates (A) seeks Parliament's approval to spend \$3.7 billion of the \$5.7-billion expenditures. These are voted appropriations that were provided for within the \$169 billion total of planned spending announced in the October 2002 economic and fiscal update.

Honourable senators, the amounts upon which we will be voting were included in the budget announced by the Minister of Finance. That is the important point. The balance that appears represents information to Parliament on adjustments to statutory spending — that is, other pieces of legislation that already include previously authorized authority to spend.

[Translation]

These Supplementary Estimates (A) were discussed in detail with officials from the Treasury Board Secretariat when they appeared before the Standing Senate Committee on National Finance, on November 26. Senator Murray has already presented the committee's report. That report was adopted a few moments ago.

[English]

Honourable senators, some of the major items in these Supplementary Estimates for budgetary spending of \$2.7 billion of the \$3.6 billion for which parliamentary approval is sought relate to the following major items. The first category relates to items affecting more than one organization. There is an amount of \$584.4 million to 71 departments and agencies for the operating budget carry forward; \$202.7 million to 18 departments and agencies for public security and anti-terrorism initiatives; \$190 million to 14 departments and agencies to discharge their responsibilities in organizing events related to international summits in Canada. Honourable senators will recall Senator Murray advising that the National Finance Committee would like to look into that particular item in more detail later.

Other major items included in these Supplementary Estimates include \$147 million to 15 departments and agencies to fund projects related to the Government On-line strategy, the government's initiative to provides Canadians with information and services on the Internet by 2005; and \$55 million to the Department of Justice and Federal Court of Canada for additional costs related to unique legal cases.

The second category relates to items affecting a single organization. They include \$631.6 to the Treasury Board Secretariat to supplement other appropriations on behalf of other departments and agencies regarding compensation for collective bargaining; \$195 million to the Canadian International Development Agency to meet additional grant requirements for international development assistance; \$183 million to the Canadian Institutes of Health Research to continue to build on the capacity of the Canadian Institutes of Health Research to create and translate new knowledge for improving health; \$162 million to Human Resources Development Canada for operating costs to administer the new direct financing arrangements for the Canadian Student Loan Program, \$70 million to increase loan recovery activities and \$91 million to help alleviate and prevent homelessness; \$135 million to National Defence for pay comparability for Canadian Forces and pay adjustments and environmental allowances for officers and non-commissioned members; \$92 million to Veterans Affairs to cover increased disability pension costs for veterans and their dependents; \$85 million to the

Canada Mortgage and Housing Corporation to help stimulate the production of affordable housing in urban areas and remote communities; \$75 million to Health Canada for sustainability of the Non-Insured Health Benefits program for First Nations and Inuit in the 2002-2003 fiscal year; and \$52 million to the Canada Customs and Revenue Agency to implement six initiatives, including the reporting of federal construction contracts, the Air Travellers Security Charge, First Nations taxation and tax on income.

Honourable senators, the remaining \$895 million of that particular category is spread among a number of other departments and agencies. The specific details are included in the Supplementary Estimates.

Honourable senators, as I have already indicated, statutory spending is that spending that has already been approved under other legislation. The figures are merely being provided as a matter of information. In excess of \$2 billion of the \$5.7 billion referred to in the Supplementary Estimates is statutory spending. The Supplementary Estimates represent adjustments to projected statutory spending that has been previously authorized by Parliament and are provided for information purposes only.

Honourable senators, \$1.9 billion of the more than \$2 billion for statutory spending in the Supplementary Estimates relates to the following major items: \$542 million to Agriculture and Agri-food Canada to help farmers manage challenges such as the current drought and make the transition to a new generation of risk-management programming under the APF, the Agriculture Policy Framework; \$230 million to the Department of Finance to increase payments to the International Development Association under the Bretton Woods and Related Agreements Act; and \$1.2 million to Export Development Corporation's non-budgetary funding for export transactions supported under the Canada Account that are determined by the minister of International Trade to be in Canada's national interest.

The remaining \$57.8 million is spread among a number of other departments and agencies. The specific details are included in the Supplementary Estimates.

Should honourable senators require additional information, I have a number of publications and documents here to try to answer those questions. I would ask honourable senators for support in adopting this legislation.

Hon. Lowell Murray: Honourable senators, first, I thank my colleague, the vice-chair of the Standing Senate Committee on National Finance, for his quite detailed exposition of the provisions of this interim supply bill.

With the indulgence of the house, I intend to make half a speech then propose the adjournment of the debate in order to conclude my speech tomorrow. I take this approach because I spent part of this morning preparing a number of spontaneous and unrehearsed bon mots for the debate, then left my notes at home, which is 60 kilometres to the west of here. I would not want to deprive honourable senators of my thoughts on a number of matters.

However, I shall begin today. Supply bills traditionally afford parliamentarians maximum latitude to deal with everything from

soup to nuts, and that is what I intend to do in the time that I have. Since I am the first speaker on the opposition side on this bill, I intend to take advantage of the time latitude also.

There are three or four matters on which I wish to comment today and tomorrow. Honourable senators, there is much discussion of codes of ethics for parliamentarians. Indeed, we are debating a proposed code of ethics under another rubric at the present time. I do not intend to go into that in detail in this debate.

• (1600)

I acknowledge that I have had to overcome my own skepticism about the efficacy of these codes of ethics. However, I have come to the conclusion that parliamentarians ought to be willing to accept for themselves what they are often so anxious to impose upon ministers and officials.

On that score, honourable senators, I accept and endorse the notion of a code of ethics in principle. Having a code of ethics will be a worthwhile contribution in terms of the relationship between parliamentarians and the public.

Not to put too fine a point on it, but I sometimes find that the attitude of the public to the proper exercise of ministerial and other political discretion by parliamentarians tends to be a bit ambivalent. Certainly, some of the supplicants who come before us, individually and collectively, tend to take quite a liberal or permissive attitude toward the exercise of political discretion when their own interests or the interests of their favourite lobby are concerned, but a rather more restrictive approach when someone else's interests are concerned. Therefore, I believe that having a code of ethics may serve some educational function in terms of our relationship with the public.

All of this has been an introduction to my opinion that a thoroughgoing reform of political financing would do more to clean up our politics and to build confidence in our system than a dozen codes of ethics.

I am aware, as are all honourable senators, that there have been worthwhile and substantive reforms in the past 25 or 30 years. Parliament has enacted legislation to put limits on campaign spending and to make political contributions more transparent.

Experience has shown, however, that these provisions have serious weaknesses. For example, with regard to limits, the cost of public opinion polling is not included in the campaign spending limits that are applicable to candidates and political parties. That is absurd and almost indefensible when one considers the amounts of money that parties and candidates spend on public opinion polling and the centrality of public opinion polling to our political culture and to political campaigns today.

I have lost track of where this stands in the judicial and legislative process, but over a period of years, political and campaign spending and other activities by special interest groups and lobbies have acquired special status by reason of various court decisions. Whereas political parties and candidates have been subject to limits, these other groups have been subjected to no limits as a result of court decisions. These are obvious weaknesses in the regime that would impose spending limits during election campaigns.

Regarding the transparency of the process, I believe that all honourable senators know that one of the principal weaknesses, which has been pointed out in various reports from the Chief Electoral Officer, is that contributions to constituency associations between campaigns are not required to be reported. A further and growing problem is the fact that contributions to leadership campaigns, which now amount to many millions of dollars, are disclosed only on a voluntary basis. These are weaknesses that must be studied.

I had resisted for a long time the approach of our friend Senator Di Nino to the effect that we should let the public purse carry the freight for the political process. I resisted it for all kinds of reasons. However, I must say that as time goes on and in the light of experience, the honourable senator's argument is becoming more and more difficult to resist. We have, for example, situations such as the infamous sponsorship program, where taxpayers' money was spilled to organizations for work that was never done. The public record shows that those various companies spilled money back to the party. That practice is corrupt; there is no other word for it. The fact that it is transparently corrupt does not make it any better.

To come back to Senator Di Nino, he was able to show in his argument that the public purse already pays much more than people realize for the political process. If we take the very generous tax credits for political contributions that certainly do not apply to any other charitable donation, the ability of companies to deduct contributions to the process as a legitimate business expense, and the rebates that are made to candidates and national parties after the election, this amounts to a very considerable amount of money. I believe that Senator Di Nino, who can obviously speak for himself, has estimated that 60 per cent or more of the process is now paid for out of the public purse one way or another.

I know, honourable senators, that we are told Prime Minister Chrétien was planning to bring in a bill to ban corporate and union donations. This is a regime that exists, I believe, in Quebec and in Manitoba. Skeptics say that ways have been found to get around these rules, and that may be the case. However, I believe that we can devise ways to block loopholes. If all else fails, we could impose such severe penalties as to put the fear of God into anyone who was thinking of contravening the law.

It is said that the Prime Minister has met with considerable resistance in his caucus. I cannot speak to that matter, but I would hope that he would bring in the bill to ban corporate and union donations anyway. If the bill were defeated, the defeat would reflect badly not on its author but on those who defeated it, in my opinion. I would hope that he might bring it in because there is a lot of talk about his legacy. He is fond of pointing out that he has been in public life for almost 40 years. The Prime Minister came here in 1963. I have not been in Parliament as long as he has, but I started my first political assignment in Ottawa two years before that, in 1961. I have seen, as have the Prime Minister and many senators, the not always benign and sometimes quite insidious influence of money on the process.

A speech by Prime Minister Chrétien, based on his 40 years of experience and the role of money in politics, would be quite a legacy in itself. In my opinion, it would outlive him by many generations, just as President Eisenhower's valedictory speech on the military-industrial complex in the 1950s outlived him.

• (1610)

The one other subject I would like to refer to today, honourable senators, is health care and, in particular, I would like to take the occasion of the reports on health care that were recently made public, one by the Royal Commission headed by Mr. Romanow, and one by the Standing Senate Committee on Social Affairs, Science and Technology chaired by our friend Senator Kirby. Not to go into details on the recommendations of these reports, but I would like to say, however, that I came to the conclusion some time ago that block funding of the federal cash transfer is an idea whose time has come and gone. I emphasize again that I am speaking for myself here.

Honourable senators, I was a political advisor to the New Brunswick government at the First Ministers meeting in, I believe, 1977 when Prime Minister Trudeau unveiled this block funding proposal. Mr. Trudeau, who was at his best when discussing theories of federalism as distinct from its practice, went on at great length to vaunt the merits of this block funding. He told the premiers that this would be so much more respectful of their jurisdictions, and, what is more, that they would have so much more flexibility in how they spent the money. He urged them to sign on, and sign on they did to what became established program financing.

To be fair, there have been some positive results out of block funding. One of the positive results soon after signing on was that the provinces, freed from the limitations of the previous cost-sharing regime on health matters, were able to experiment and innovate more than they had done on health matters such as prevention programs and home care. This was an area that New Brunswick got into very early on under the leadership of our friend Senator Brenda Robertson, who was then the Minister of Health in that province.

However, I must say, honourable senators, that I am at a loss to know why some provinces continue to cling to this concept of block funding. It seems to me, that block funding of the cash transfer for these social programs has allowed the federal government to get off scot-free when it is responsible for huge cutbacks. Honourable senators will remember the cutbacks that took place, most notably, in the 1995 budget.

However, it was not to the lawns of Parliament Hill that the protesters came to express their indignation about all of this; it was in front of the provincial legislatures of the country that the protesters came because of the cutbacks notably to health and hospitals. It is the provincial governments that have the responsibility to negotiate with doctors, and nurses, and hospitals, and all the rest of it. One wonders, at a political level, what advantage the provinces are deriving out of this block-funding concept. The main winner, politically, in all of this seems to be the federal government.

In terms of accountability, the people properly hold the provinces responsible. However, everyone knows that the cutbacks in most provinces, the reductions in services and the problems, have been the result of severe federal cutbacks in the transfer, notably in 1995.

Should we designate that part of the cash transfer must be devoted to health care? The lack of a designated sum at present has led to these sterile arguments between the federal government and the provinces being played out on television advertising as to whether the federal government is now paying 14 per cent of health care, as the provinces say, or closer to 40 per cent as the federal government claims. If we do designate part of the overall cash transfer to health care, that would leave post-secondary education and social assistance in the CHST, and it seems to me that these cash transfers should also be designated on the basis of a federal-provincial negotiation and agreement. That would have to happen.

I believe that there is a great danger that the critical needs in post-secondary education are being lost sight of because of the preoccupation and concern of people and their governments about health care, and quite understandably so. We must not allow that to happen. We must not allow post-secondary education and the needs of those entering post-secondary education to become an afterthought to our deliberations on social policy. The Association of Universities and Colleges of Canada put out a document entitled "Trends" which is, I believe, quite revealing of the dimensions of the challenge that we will face in this country in post-secondary education in the coming years.

I believe it is obvious to honourable senators that, in recent years, the federal government, while not doing much at all by way of improving the cash transfer to the provinces so that they can carry out their duty, their responsibilities in post-secondary education, has tended to favour the use of the federal spending power by way of direct payments to individuals and institutions, notably in the field of research.

Some of you know Brian Fleming who is now heading up the federal agency in the transport field, I believe. He is also a newspaper commentator, and has had some experience in higher education and is on the board of the University of King's College in Halifax. He wrote a column in the the *Halifax Daily News* expressing concern that the result of the federal government's use of the spending power and its direct assistance on research matters is creating a two-tier framework in higher education. In his view, what the federal government is doing tends to confer a disproportionate advantage on larger universities in larger provinces. That is something that I believe honourable senators have to consider.

What it says to me is that, while the direct payments to individuals and institutions may be well motivated, I believe we have to take in the needs of the entire higher education sector, and that that can only be done in very close consultation with the provinces.

Honourable senators, to come back to the document entitled "Trends" that was put out by the Association of Universities and Colleges of Canada, it contains a lot of interesting material, but is one of the documents that I left at home, so I will return to it tomorrow.

[Senator Murray]

I sent a copy of it to our friend Senator Moore in Halifax because he, as you know, has experience as a governor of St. Mary's University and a considerable interest, as he has demonstrated in the Senate, in this whole field of the financing of higher education. It was he who persuaded honourable senators in the National Finance Committee to undertake a study of the accumulated deferred maintenance costs at Canadian universities. The committee prepared a report on that, and we have some reason to believe that the concerns that we expressed are meeting with some response on the part of the federal government.

There is some very interesting material in that document about the challenge that we face in the field of higher education in the coming years. As soon as I retrieve my notes at home, I will resume this speech tomorrow. At the same time, if time permits, as I pray it will, I may have a comment or two to offer on Kyoto and on the gun registry, as well. Until then, honourable senators, I move the adjournment of this debate.

On motion of Senator Murray, debate adjourned.

• (1620)

COPYRIGHT ACT

BILL TO AMEND—THIRD READING

Hon. Joseph A. Day moved the third reading of Bill C-11, to amend the Copyright Act.

Motion agreed to and bill read third time and passed.

SPECIES AT RISK BILL

THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Corbin, for the third reading of Bill C-5, respecting the protection of wildlife species at risk in Canada.

Hon. Mira Spivak: Honourable senators, Bill C-5 comes before us, as you have heard, with observations but unamended. That is because a majority of the committee members believe that the bill could be lost entirely if it were amended. That is a pity. It would certainly have been a stronger bill, as almost all of our witnesses told us, if we had pursued amendments put forward by the House of Commons Environment Committee but not approved by the House. However, as a poor second best, we have set the table for future amendments. I am not alone in this view. It was a consensus opinion. As the committee's observations say right off the bat:

...we firmly believe that passage of this legislation marks only one step in the work that needs to be done to adequately protect species at risk in this country. Future amendments to this legislation should address outstanding concerns and further strengthen it.

Some of the observations address matters that should be considered in the course of the five-year review that the bill mandates. Some of them address matters that we believe should be addressed much sooner. The committee expects the minister to change one of them immediately upon proclamation.

Scratch any of the observations and we find a matter that a majority of committee members feel uneasy about. I should like to consider some of the major concerns as detailed in the observations.

Foremost is the bill's limited scope. Honourable senators have heard that it takes a safety net approach to protect species at risk. The federal government will only take action to protect species at risk outside federal lands or federal waters if a province or territory does not act. That raises the question: How often will the provinces or territories fail to provide protection?

The committee heard that some provinces, notably British Columbia and Alberta, do not have stand-alone legislation to protect species at risk and do not intend to. Among those provinces that have legislation, only Nova Scotia's act provides legal protection for all the species found in the province that will be listed under this bill as endangered or threatened. Provincial laws currently protect only one third of the species listed by COSEWIC, the Committee on the Status of Endangered Wildlife in Canada. Some two thirds are not listed.

As the committee observed:

...since no province can take steps to protect any species it has not listed —

— we are talking about legal protection, not voluntary measures —

— your Committee believes that the Minister of the Environment should regard provincial failure to list a Committee on the Status of Endangered Wildlife in Canada (COSEWIC) listed species as the early warning sign of provincial/territorial inaction that should necessitate invocation of the federal safety net provisions.

In addition, the bill does not require the government to set out the criteria it will use to weigh provincial action or inaction before stepping in. The Commons committee included the requirement; the government and the House removed it.

Criteria would serve two very important functions. They would be an accountability mechanism. Legislators and everyone else could examine federal action or inaction against them. Perhaps, more important, they would provide some certainty for the provinces and territories, our partners in the safety net approach. They and the public in any given province or territory would know, perhaps not where the federal government will draw the line in the sand, but at least what beach it will stand on.

Again, honourable senators, to cite our observations:

Your Committee believes that the federal government should establish and make public specific criteria that will be used to assess the adequacy of provincial/territorial actions.

Your committee suggests what is, in fact, a starting point for criteria — that the existence of provincial or territorial legislation alone is not sufficient. It is the enforcement of the legislation that counts. It tells the government that we would like it to address, ahead of time, the chronic problem in our nation's environmental laws — the matter of enforcement. It wants the government to put resources in place to ensure enforcement when and if the government invokes a safety net.

There are good reasons for this. As honourable senators have heard, the safety net approach in Canada makes very good sense in theory. It recognizes the reality of our makeup, our constitutional division of powers, our land mass and the very practical consideration that the federal government cannot be everywhere. It is very tough to argue that we should not work in collaboration with the provinces and territories. Of course, we should.

It is one thing to take a safety net approach; it is another to take a meaningful safety net approach. Honourable senators have heard that the government is reserving the right to step in when provinces fail, but there is no iron fist in the velvet glove. There are two reasons for saying that — one is historical and the other leaps up from the bill itself.

As our committee heard, historically, this same safety net approach or something very similar is found in four other pieces of environmental legislation. It is found in the Canada Wildlife Act that gives the federal government the discretionary power to make regulations, in cooperation with the provinces, for the protection of endangered species. It has never been used in 28 years.

It is found in the Canada Waters Act, giving the government the discretionary power to impose water management and protection measures for interjurisdictional or boundary waters. It has never been used in 31 years. It has never been used in the Canadian Environmental Assessment Act. It has never been used in CEPA, the Canadian Environmental Protection Act or its predecessor, the Clean Air Act, that also goes back 31 years. Therefore, why should we believe at this time the government will use its discretionary power?

In this bill, the safety net itself is weak. One of our witnesses was Mr. Stewart Elgie, who teaches environmental law at Osgoode Hall Law School and has put together lists of acts. He worked quite closely with the government in the acts that I have just mentioned. Speaking to this bill specifically, he said:

...the safety net is so unclear and so lacking in strength that there is very little chance it will ever be invoked. We run the real risk that neither order of government will protect endangered species.

What could we do to turn the hope that the government will act into the reality that it should and does act? We could vastly improve the odds with a simple amendment first conceived by the Commons committee. It would replace cabinet's discretionary authority with a mandatory requirement, when, in the opinion of the minister, a province or territory has failed. The Commons committee put it in; the House did not approve. The Senate committee thought about the long-standing failure of successive governments to exercise cabinet discretion on environmental matters and had this to say:

Your Committee recommends that, during the mandatory five-year review of this legislation, consideration be given to making this a mandatory undertaking.

There is one more crucial matter that comes under the heading of scope of the bill. It is the matter of critical habitat of migratory birds and the federal retreat, under this bill, from a clear area of federal responsibility.

• (1630)

Federal authority, and responsibility, stems from an Empire Treaty, the Migratory Birds Convention, signed in 1916, and its implementing legislation, the Migratory Birds Convention Act and its regulations. I should like to cite the words of former Supreme Court Justice Gerard La Forest and the renowned constitutional expert Dale Gibson, referring to the Migratory Birds Convention Act:

That these provisions, which provide broad powers to protect migratory birds' habitat, fall within federal authority has never been seriously questioned. Indeed, several court decisions, beginning as long ago as 1925, have confirmed that Parliament has broad authority to pass legislation to fulfill the requirements and purposes of the *Convention*. This authority almost certainly includes the power to protect habitat upon which migratory birds depend.

Yet Parliament is not requiring the government to protect even the portion of habitat needed to prevent the extinction of some 20 species of migratory birds unless those birds nest on federal land. Elsewhere, it is subject to cabinet discretion. Again, the Commons committee took a more protective approach, requiring that same broad protection of critical habitat for migratory birds under the Convention as the bill gives to so-called other "federal species," such as fish or other aquatic species.

Our committee heard that the Forest Products Association of Canada, the Mining Association of Canada and members of the Endangered Species Task Force, which included the Federation of Agriculture, the Association of Petroleum Producers and the Fisheries Council — these radical environmentalists, as some would call them — all recommended that the protection of migratory birds' habitat be dealt with as a federal matter.

Mr. Pierre Gratton, vice-president of the Mining Association of Canada, told us directly:

The government continues to hold a very narrow view regarding its jurisdiction with respect to the protection of

migratory birds. It is a view not universally shared by legal experts and the courts. We think clarity and certainty on this issue would be beneficial.

There is then the possibility of a legal challenge to this failing in the bill.

The consensus opinion of the Senate committee was:

Your Committee reminds the government that it already has responsibility for the protection of critical habitat for migratory birds under the *Migratory Birds Convention Act* and that responsibility must not be limited by this Act.

That is hardly, how should I say, a wishy-washy observation. We made a similar observation on protection of other transboundary species and the protection of their critical habitat, although it was couched in the context of the five-year review.

The five-year review itself was also debated by senators. Unlike many other environmental statutes, this bill requires a one-time-only review, five years after it comes into force. One of our witnesses, Ms. Kate Smallwood, of the Sierra Legal Defence Fund, told us that a single review, and its timing, was inappropriate:

Most of the recovery efforts under this bill will only be starting or slightly underway, if that, in five years. The recovery process is the major mechanism to bring species back off the brink of extinction and down to the lower level of risk. We are not going to know in five years how this act is really going. We will have an idea, but we will not have a full picture.

In response, the Senate committee recommended that at least two further five-year reviews be conducted.

Our observations also dealt with matters of compensation, which other senators raised on Thursday last, so I will not reiterate them. They do not, unfortunately, deal with the non-derogation question, which engaged us perhaps more than any other matter. That matter seems to have been resolved by the Minister of Justice, although it is not clear at this time whether it will be acceptable to the Aboriginal community.

There are a few other key matters in the observations that I should like to briefly mention. The first is the absence of a measure to allow the government to ensure interim protection of critical habitat. This is important because the time between the listing of a species and the completion of a recovery plan will be in the order of two to three years. It is undesirable, to say the least, to have species becoming extinct during the development of recovery plans. The House of Commons committee recognized this deficiency. It amended the bill to give the minister the discretion to take interim measures. Again, the House disapproved. The Senate committee believes that the government should reconsider, albeit in the course of the five-year review, if not earlier.

On timelines, we found that we concurred with the House of Commons committee amendment that was removed from the bill. It simply makes no sense to set time limits for recovery strategies, then to allow unlimited time for action plans, which is where the real work on the ground begins. Again, we asked the government to reconsider.

We heard the opinion of several witnesses, including Mr. Gratton, that the basic legal protection — protection from killing and destruction of residences — should apply everywhere, not just on federal land. The 5 per cent solution, even with a safety net, is problematic, as 95 per cent of the land mass outside the territories is under the jurisdiction of the provinces.

There is one matter that we expect the minister to address immediately. It is the matter of listing of species endangered or threatened under Schedule 1 of the bill. The Minister of the Environment agreed to include automatically on the endangered or threatened list those species already reviewed by COSEWIC — the scientist committee on endangered species — at the time Bill C-5 is approved. What has happened since the minister made that commitment, however, is that COSEWIC has added another 50 species to its lists, some as recently as a week ago Friday. These species, which include the endangered coho salmon of Fraser River and the blue whale populations, are not on Schedule 1 of this bill. In reality then, we have some 230 Commons species that are automatically protected and some 50 Senate species that were listed while the Senate was debating the bill that could be forced to ride the tide of political decision making.

Our consensus view was:

Your Committee expects the Minister to add these species to Schedule 1 immediately upon proclamation of the legislation.

In order to monitor whether our observations are taken up by the government, we have asked the minister to meet with the committee a year from now to discuss progress on our recommendations.

I do believe that the Government of Canada could do better on Bill C-5 — that in fact we are obligated to do better under the Convention on Biological Diversity that was ratified 10 years ago. Our committee heard that opinion. It heard that, with this proposed legislation, Canada is the weak link in the continental protection of species. Both Mexico and the U.S., our NAFTA partners, have better laws.

I simply do not agree, with great respect, with my colleague, the Honourable Senator Banks, that the U.S. legislation has been a disaster and is proof that we should avoid federal intervention in the protection of species at risk. I cite as my authority Edward O. Wilson, the eminent Harvard biologist and Pulitzer prize-winner. The facts, according to Professor Wilson, are these:

Of the 98,237 projects reviewed by federal government —

The government referred to there is the U.S. government.

— during interagency consultations between 1987 and 1992, only 55 were stopped cold by application of the Endangered Species Act.

That is quite a comparison with what the federal government has done in the years since all those other bills that I cited to you were passed.

That is less than 0.06 per cent. There is a very practical reason for what Professor Wilson describes as “the light touch” of the U.S. Endanger Species Act:

...endangered species tend to be concentrated in geographically limited hotspots, such as the Hawaiian rainforests and Lake Wales Sand Ridge scrubland of central Florida. Very few are to be found in the great stretches of America's agricultural belts and ranchlands, from which so much of the anti-ESA protest arises.

• (1640)

Once we give third reading to this bill, we are saying that we have done what we could under the circumstances. It is now up to the government to have a change of heart and to adopt our key observations; or, it is up to the courts to force the government to reconsider.

In closing, I should like to leave honourable senators with the words of one of our witnesses, Mr. Elgie. I preface them by saying that he has literally devoted the last 10 years of his life to working with different governments on endangered species legislation. He has been tireless. I believe all Canadians owe him and many others like him our thanks for his dedication to what is without question a Canadian value: the desire to protect the species at risk in our vast land.

In response to a question from Senator Kenny, Mr. Elgie said he was prepared to risk that 10-year personal investment in the bill if we were prepared to amend it to protect the critical habitat of migratory birds. He ended on a high note, which I think is worth sharing. He said:

This bill represents a remarkable opportunity to do something good for Canadians, something that will unite us. It is one of those rare things that will make us feel pride in a way that we all do about our wild places and wild species. It is an investment in the future of Canada and in a future that still has grizzly bears, beluga whales and marbled murrelets living in the wild.

I commend all the members of the committee, and certainly our chairman, for their very persistent work on this bill. It might not be exactly what I would have wanted to see, but there is no questioning the hard work and the good intentions of all committee members. It is certainly a committee on which it is a pleasure to serve.

Hon. Willie Adams: Will the honourable senator accept a question?

Senator Spivak: Certainly.

Senator Adams: The honourable senator is concerned about the future of migratory birds. Could the honourable senator elaborate on other kinds of species about which she is concerned? Where I live in the North, there is not much at risk. We are concerned about whether the migratory birds will return every year because we use them for food. We want to protect them for that reason.

Currently, the majority of the species at risk are in Nunavut. The honourable senator talked about polar bears and caribou. Those species have been protected for over 10 years in the High Arctic. In addition, whale quotas have been reduced every year.

My question for the honourable senator is: What is next? The government tells us every year that we have to cut back our whale hunting. The experts do not come up to where we live. They do not live up there. They tell us what types of birds should be protected, yet we use them for food.

Senator Spivak: Honourable senators, it is quite evident that this bill is designed to protect species at risk or those that are endangered. If they are not endangered in the area in which Senator Adams lives, that is fine, the bill will not apply. In other areas, there are species that are endangered or threatened, which is what this bill addresses. It is not addressed to places where there are no endangered, extinct or threatened species.

Hon. George Baker: Honourable senators, further to the question asked by Senator Adams, would the honourable senator not agree that we should wait to find out just how effective this legislation is, that surely the effectiveness of legislation is sometimes found in the regulations that are passed under it? When the honourable senator says that this measure does not apply to provincial lands or habitat because it is an encroachment of provincial —

Senator Spivak: I did not say that.

Senator Baker: I thought the honourable senator said she was somewhat upset that the measures of the bill did not extend beyond federal lands.

Senator Spivak: Yes, I said that.

Senator Baker: Would the honourable senator not agree that regulations passed by the federal government sometimes encroach on provincial lands, on provincial jurisdiction? The distinction between section 91 and section 92 of the Constitution Act has to do with power.

On Friday, 108 sealers were charged under the federal Fisheries Act with selling, trading or bartering in what we call blueback seal skins. Under federal fisheries legislation, we only have jurisdiction in the ocean. What are we doing with a federal regulation that deals with the trade, sale and barter of seal skins on land? The answer to that is found in the regulations. The pith and substance of a piece of legislation is found in its regulations. They carry

through the intent of the legislation and permit encroachment on provincial land, on provincial jurisdiction, on provincial anything. I am not saying that is right, because we argue against that encroachment by the federal government. Unfortunately, the Supreme Court of Canada does not agree with us.

Would the honourable senator agree that we should not just be saying that this is terrible legislation because it does not do this, this and this? Why not wait for the regulations when, perhaps, we will see that it goes too far for a great many of us?

Senator Spivak: Honourable senators, what we are reflecting is what many witnesses said before our committee, the House of Commons committee and the strenuous work done by all parties, not just one, in the House of Commons committee.

Is the honourable senator opposed to the federal government power that protects fisheries and navigable waters? That power even allows for a 100-meter stretch to protect salmon, which I do not think is enough. Does the honourable senator think that the interests of the provinces is to trump the ability to protect a national resource?

I remind the honourable senator that the federal government has jurisdiction, along with the provinces, in the matter of the environment. It is not the case here that the federal government is encroaching. It is the case that the federal government is timidly retreating because of the fear of encroaching on provincial protection.

I would say that most people in Canada — and it is a proven fact — want protection of the grizzly bears, transboundary species and migratory birds. They do not care whether that protection is federal or provincial. In fact, it is a bit of a joke as to whether it is a provincial matter or a federal matter. I think the honourable senator's fears about encroachment on the powers of the provinces and territories is misplaced.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, last week, when I listened to Senators Milne and Sibbeston, I was struck by their lack of enthusiasm for this bill, which led me to the committee report. I found this report to be the most discouraging that one could find on the support of a bill. There are more negative comments in this report than there are positive comments. I will not make a speech at this time, although perhaps I will in time.

I should like Senator Spivak to comment on some observations that were tabled at committee, which state that when legislation is introduced in the Senate as a result of amendments filed by several parties and last-minute negotiations, the result is inevitable: drafting errors and inconsistencies that the Senate has an obligation to address before the bill becomes law. So far so good. It goes on in the same paragraph to say that the majority of the members on the committee have determined it is unwise in this instance to make those minor changes, fearing rightly or not that any change in the bill would mean its defeat when it returns to the House of Commons.

• (1650)

I have not read a report that claimed the Senate cannot make minor changes for fear of their being defeated in the House of Commons. Could Senator Spivak elaborate on this? Since she says it is the view of a majority of members, perhaps it is not her view. If it is her view, would the honourable senator please elaborate; if not, I will ask a member of the committee on the majority side, when his or her turn comes to speak, to elaborate.

Senator Spivak: Honourable senators, I believe it is certainly up to the members on the other side to put forward a motion, although I would say to you that even on our side there was not a tremendous enthusiasm — and I am speaking sarcastically — for amending the bill. To give an example of minor discrepancies, an amendment was put forward by our colleague, John Herron, in the committee and, for some reason, the first part of his amendment was lost so that we only had the last part of his amendment, which had to do with residences. As a result, there is a contradiction in that clause in the bill where it talks about residence or nests for animals like caribou, which is not at all applicable. That really should have been corrected.

However, I must say that there was a great fear that, if the bill went back to the House of Commons, it would be lost and might come back in worse shape than it came here. That was the prevailing view.

Senator Lynch-Staunton: My point, honourable senators, is that some members of the committee are asking us, through their observations, to pass a flawed bill. In another paragraph, these observations states that the bill presented to the Senate is in part the result of eleventh-hour negotiations between the Prime Minister's Office and Liberal members of Parliament on the Commons Environment Committee. As such, it has drafting errors and inconsistencies that can be expected when last-minute changes are made to proposed legislation. We hope the government will correct those at its earliest opportunity.

Why does the Senate not correct them? It is our job. We have been waiting years for a bill like this one, but after reading this and hearing Senator Sibbeston — who tried to present an amendment last week on the non-derogation clause, and even Senator Milne had certain reservations, as I am sure other members do, and even the report is full of reservations — how can the government seriously ask us to pass this bill? That is an editorial comment to Senator Spivak. I am sure she is not comfortable with this bill, or is she?

Senator Spivak: I said I was not.

Senator Robichaud: You do not want her to answer.

Senator Lynch-Staunton: Like Senator Bryden, I have to put a question mark at the end.

Senator Spivak: I believe I clearly indicated that I was not comfortable with the bill, but I was hoping that the minister would listen to the reservations, which I think are quite severe, and understand the feelings of the committee members.

Hon. Ione Christensen: Honourable senators, I wish to express my support for Bill C-5 and perhaps I will wish later that I had not — not because I do not support the bill but because of the quite obvious concerns on the opposite side.

I want to recognize the hard work and the diligence that has gone into the drafting of this bill over the last eight years, and please note eight years is how long this bill has been in the making. We are looking at its third revision.

Over the years, politicians and environmentalists, industry, landowners and concerned citizens have all presented opinions and recommendations for improvement, and many of those improvements will be implemented with the passage of this bill. Often those recommendations were in direct conflict with each other, but they were always made after careful study and with concerns for the point of view they were representing. This legislation has tried to find the balance between the two, while still focussing on the intent of the bill, which is the protection of the species that are at risk.

This bill is the end result of a decade of exhaustive consultation, negotiation and public debate. Some will argue it is not strong enough, that jurisdictional matters and other shortfalls should be dealt with immediately in order to have a more perfect bill. Others will say that the legislation is too strong and does not ensure compensation for those who will be affected. I feel, however, that we are moving in the right direction and that in five years we will have the opportunity to review those areas needing to be addressed.

We have come to the point where we must move forward. This bill is the first blueprint. It will be Canadians who will make it work. More delays will not help species at risk.

During our committee deliberations we heard diverse opinions on how Bill C-5 could be made better. On one side we heard that we should not miss this chance to make the proper changes to improve the bill, and that the consequences of making mistakes in Bill C-5 could be very serious. Key changes were proposed by the environmental protection groups to have more effective protection for the species that are at risk. They proposed, in part, to expand habitat protection for the migratory birds beyond the federal lands; to include a time line for the completion of action plans; to have provisions of interim habitat protection between the listing of species at risk and protection of critical habitat for the recovery process; and to have provisions for ongoing, five-year review of the act.

The issue of protecting habitat for migratory birds presents some great difficulties in that migratory birds do not use the same pathways and corridors each year. They can vary greatly. What I am saying is that you can find a species in one area one year and set up habitat protection, only to find that the next year and the year after it is in an entirely different area. Migratory species are, however, protected through our acts, such as the Migratory Birds Conventions Act and the Fisheries Act. Those acts offer protection to the extent that no one can kill those species or disturb critical habitat anywhere in Canada, and we have addressed this in our observations.

On the other side of the spectrum, landowners, industry and concerned citizens lack confidence that they will be adequately compensated if there were to be any losses due to the protection of habitat. Their main arguments were that Bill C-5 facilitates but does not guarantee compensation when a landowner suffers a loss as a result of extraordinary impact of the application of the bill. It is also their view that restriction of land use amounts to expropriation and must be compensated as such.

Compensation was the main concern for landowners, and I can empathize with anyone who may suffer loss because of a situation such as a species at risk on their property. However, I do believe that the measures taken in this bill will be effective. As stated by Mr. Stewart Elgie:

This bill goes further than any other environmental statute in Canada to provide for fair and reasonable compensation for people who are significantly affected by environmental legislation.

I would also like to think that the compensation clause of this bill is there to support stewardship, which is the desired first step of protection of critical habitat.

Guaranteeing compensation also poses difficulties when you cross into lands that are under provincial or territorial jurisdiction and they have their own legislation that deals with land use and compensation. Minister Anderson gave assurances that, in the case of hardship as a result of taking over a person's land, there must be some protection for them. One thing the government wants to ensure is that no one will use endangered species as a bargaining tool for compensation.

This legislation has tried to avoid the U.S. model of a similar bill where landowners, who are by nature stewards of the land, would "shoot, shovel and shut up" because of the more punitive laws that they must operate under. In Canada, we want to avoid the situation of "show me the money," and, instead, we would rather have a "let's work together" approach. As I have said before, stewardship is the preferred choice for the protection of critical habitat.

I would like to touch on the issue of "strict liability" offences as opposes to "*mens rea*" offences. This was also a major topic of discussion during our deliberations. Strict liability offences are used in environmental protection statutes, both federally and at the provincial and territorial levels, and using them here gives continuity. The mental element of a strict liability offence would be civil negligence. In the prosecution of a strict liability offence, the Crown must prove that the prohibited act has been committed, at which point the onus shifts to the accused person, who must prove that he or she acted with due diligence in order to avoid conviction.

• (1700)

Honourable senators, it is "strict liability" for killing healthy wildlife species, and so there should be the same judicial approach in dealing with the critical habitat of an endangered species.

Those are strong arguments, honourable senators, and I would submit that the observations attached to the committee's report reflect quite strongly those concerns. While observations are not amendments, they have the weight of the Senate behind them. They serve to give direction when regulations are drafted; they give direction when future amendments are made to the bills. If

they are not given serious attention, then it is the prerogative of all Senate committees to implement amendments and abandon the observation and recommendation process. The use of observations is in everyone's best interests, and with the attention and cooperation of ministers and their departments, it is a practice that should continue in the legislative process.

As we have seen through the witnesses who have appeared before us, there are very wide and diverse opinions on what the bill should do and how it should be applied. It would be next to impossible to make changes that would meet the stated needs of all of the groups. While the bill is not perfect — and, senators, we do not see many of those coming before us — we do have a workable bill. After a decade of debate, now is the time for action. Five years from now, we will have the opportunity to assess how things are going and make the necessary changes.

This bill, honourable senators, is a work in progress. We will assess how well the stewardship program is working. We will see how other jurisdictions will work with us through Bill C-5, and if the measures are not tough enough, has the federal government stepped in to ensure the protection of species that were at risk. As well, much of what directly affects people is often found in the regulations, and we do not have those documents before us at this time.

Honourable senators, species at risk are the canaries in the coal mine, and we owe it to all species, of which we are one, to move and to make a start to implement this legislation. We must then work to identify where improvements are needed as the bill is applied. As I said before, Bill C-5 is a first step, and I urge all honourable senators to take that step and support the bill.

Senator Adams: I have a question for the senator. I studied this bill before it went to the committee. It seems that as soon as it got into the committee, many other species at risk got into the bill. I think at that time it was only about strict risks to species. I believe it was polar bears, belugas and narwhales, the Perry caribou in the High Arctic, the woodland caribou in Manitoba, and one bird. I believe there were only seven. There are a lot more in the bill now.

A species that is at risk in the territory of Nunavut may not be at risk in other parts of Canada. I believe that the woodland caribou in Manitoba are of concern, but there are lots of caribou elsewhere.

Senator Christensen: I thank Senator Adams for his question. If I understand it clearly, he is concerned about northern species that may appear on the list. Senator Spivak pointed out the endangered species in certain areas, and Senator Adams is talking about the woodland caribou, the ones that perhaps are in Manitoba. There are lots of woodland caribou in the Yukon that are not endangered. There are certainly areas in Nunavut and the Northwest Territories with species that may appear on an endangered list but in some areas in Canada would not be endangered. I think we have to be very clear on the distinction. If we say a grizzly bear is endangered, it does not mean that he is endangered throughout the whole of Canada. However, there will be regions where that distinction will be made.

On motion of Senator Kinsella, debate adjourned.

Translation]

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I move, with leave of the Senate, that all items on the Orders of the Day that have not yet been discussed be postponed until the next sitting and listed on the Order Paper in the same order. We could then proceed with the adjournment.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until tomorrow, at 2 p.m.

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Tuesday, December 10, 2002

—
THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Tuesday, December 10, 2002

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

INTERNATIONAL HUMAN RIGHTS DAY

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, today, December 10, marks Human Rights Day. It was on this day, at the Palais de Chaillot in Paris in 1948, that the United Nations General Assembly met and adopted the Universal Declaration of Human Rights. In doing so, the world body laid the foundation for a new generation of international law that would entrench something previously understood as being meta-judicial — that there is a higher power above that of the state.

I have often used this occasion of Human Rights Day to remind the chamber of Canada's special connections to the Universal Declaration of Human Rights. We recall that it was New Brunswick's John Peters Humphrey who drafted the first secretariat draft of the Universal Declaration of Human Rights. It was Eleanor Roosevelt who was the chair of the United Nations Human Rights Commission that had the responsibility for the elaboration of the universal declaration. Mrs. Roosevelt summered in New Brunswick, on Campobello Island. Much of the inspiration for the Declaration of Human Rights flowed from the Atlantic Charter, which was the fruit of the famous early war years' meetings between Churchill and President Roosevelt that took place in Atlantic Canada, on waters off our East Coast.

Today we need to reflect on the future of human rights and what may lie ahead for us as Canadians. It seems that our focus must be on human rights education. Since the patriation of the Constitution and the coming into force of the Canadian Charter of Rights and Freedoms, our society has changed dramatically. The relationship between the citizen and the state has changed, and our national institutions such as the courts and tribunals, Parliament and the legislatures, the non-governmental organizations and the entire community of NGOs across Canada, must also continue to understand that change and to reflect the new age in which we find ourselves as Canadians.

Honourable senators, with the very dynamics of the post-September 11 world having impacted on human rights and civil liberties, we need to engage ourselves in a careful, ongoing reflection of the importance of human rights. We must also give focus to promoting human rights in our schools and universities. The youth of Canada need to be educated about human rights, just as they need to learn grammar, for human rights, indeed, is the grammar of law. It is that which regulates the relationship between the state and the citizen and between citizens themselves.

We must also consider the economic, cultural and social rights. These are often referred to as programmatic in nature because they require state intervention to be enforced. Probably the most visible of these rights is the right to health care and the right to education. It is in the area of these two rights, in particular, that Canada's performance has been challenged over the last decade.

Honourable senators, our current spending as a percentage of GDP on health and education is probably insufficient. The work of one of the committees of this house in the field of health speaks to that very issue.

The Hon. the Speaker: Senator Kinsella, I regret to advise that your three minutes have expired.

[Later]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, today we commemorate, as my honourable colleague the Deputy Leader of the Opposition has done, International Human Rights Day. I wanted to put a few words on the record with respect to this important day that we celebrate with all member countries of the United Nations.

On this day in 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights which states — and I think it is important to remind ourselves of what it states — that all human beings are born with equal and inalienable rights and fundamental freedoms. All human beings, no matter where they live, no matter what their economic circumstance, no matter the government under which they may be forced to live, are equal, and all have inalienable rights and should have fundamental freedoms.

Despite the fact that we are at the beginning of a new millennium, with awe-inspiring technology and all its unprecedented potential, violations of basic human rights occur with appalling frequency around the world. Poverty and racism are still with us and are, in my view, primary causes of the violence that affects us all. As violence becomes less confined to national borders and more international, we have surely come to realize that we are inhabitants of a global village. We must care for the welfare of all of our neighbours because the repercussions will be felt by all of us.

With the creation of the International Criminal Court, together with the Declaration of Human Rights, I believe that we have the tools to create a more just world. We can be proud that Canada is in the forefront of the international community in promoting human rights for all citizens of the world because when other countries adopt these noble ideals as everyday realities, every person will be able to enjoy the fundamental freedoms and rights that are still, today, far beyond the reach of far too many of our fellow human beings.

FISHERIES AND OCEANS

PROPOSAL TO ALLOW LARGER FISHING BOATS

Hon. Gerald J. Comeau: Honourable senators, last week senator Carstairs took exception to my question that the Minister of Fisheries and Oceans had launched an initiative to go to bigger boats. At that time, she said, "He did not indicate they were moving to bigger boats."

I would draw to the attention of honourable senators a discussion paper dated November 21, 2002, entitled "Vessel Replacement Rules and Procedures on the Atlantic Coast." The honourable senator need not take my word for it. The following are direct quotations from the discussion paper. On page 16, we see the following:

Consistent with the approach spelled out by the AFPR, DFO expects that over time, as requisite legislative changes are made and resource user groups demonstrate their capabilities to take on greater responsibilities, aspects of decision-making on vessel size and replacement may be delegated to resource users.

Until these larger changes are achieved, there will continue to be considerable latitude for fleets to make proposals for new rules and procedures, and to marshal industry support for such changes.

I would continue to quote from page 18, where we see the following:

Flexibility to allow two enterprises to combine/partner by pooling their quota shares or licences or gear (on a temporary or permanent basis), and using a larger vessel than formerly.

A community or group quota approach whereby a number of harvesters collectively manage a shared quota with the safest and most efficient fleet of vessels.

Adoption of quota management programs, such as individual transferable quotas.

Flexibility within IQ/ITQ programs to allow individuals to transfer their quotas to other vessels on a temporary or long-term basis.

• (1410)

Item 5 of that report indicates the following:

The removal of any restriction on vessel size in a fleet provided that any new vessel is only used in IQ fisheries.

The above section identifies a few possible examples for changes in vessel replacement rules. It is understood, however, that many more such examples might be developed to fit the unique circumstances of different fleets and fisheries.

I should also like to quote from page 20:

DFO's objective is to have a new vessel replacement approach in effect for the 2003 fishing season.

Honourable senators, the minister himself may not have launched the initiatives to go to bigger boats. However, these direct quotes are from the Department of Fisheries and Oceans for which the minister is responsible. I invite the minister to visit communities such as Canso, Nova Scotia, and many others and ask the people of those communities what they think of privatization and the concentration of fisheries resources in the corporate sector.

[Translation]

VIOLENCE AGAINST WOMEN

Hon. Lucie Pépin: Honourable senators, this past December 6 was the National Day of Remembrance and Action on Violence Against Women. It marked the thirteenth anniversary of the massacre at the École Polytechnique de Montréal. On that day of commemoration, we recalled with great sorrow the tragic death of 14 young women, in an event that is indelibly etched into our memories.

Our thoughts also went out to all women here and elsewhere who are living with the threat of violence. It may be a hard thing to face, but sexual violence is all too often used in war as a way of terrifying the civilian population. In virtually every conflict, women have been tortured and subjected to sexual violence by members of armed groups.

It is not hard to understand the devastating repercussions of this, not just physically, but emotionally and psychologically. Many of these women will never really get over this, and then there are the children born as a result of these rapes.

Last Friday, a number of events were organized across the country. In Montreal, a commemorative ceremony was organized by the December 6 Victims Foundation Against Violence.

December 6 is a day of remembrance we would most happily have done without, but reality has forced it upon us. It is true that the proportion of women subjected to the most serious forms of aggression is decreasing, but, to our profound regret, violence continues to be the lot of thousands of women and girls every day.

This is one of the key findings of a Statistics Canada study commissioned by the federal and provincial ministers responsible for the status of women. It reports that the problem remains a frequent one, particularly for younger women and Aboriginal women. According to the report, women under the age of 25 are the group at greatest risk. They are twice as likely to be murdered as other Canadian women.

Aboriginal women are also very vulnerable to violence. The homicide rate involving Aboriginal women remains eight times higher than that for non-aboriginal women.

Women with disabilities are another segment of the population that experience much more violence, which is not often talked about. A survey done by the DisAbled Women's Network Canada reveals that 40 per cent of women with disabilities have been raped, abused or assaulted. More than half the women with a disability since birth or early childhood have experienced abuse, which is unacceptable.

December 6 has become much more than a mere commemoration. It is a call to action that reminds us of the need to put an end to violence against women.

Canada is one of the most advanced countries in the world, when it comes to equality and rights for women. We did not achieve this by some miracle. It is our combined efforts that have allowed us to make this progress. We need to work on the root causes of violence because, as the Statistics Canada study indicates, violence against women remains a significant and persistent socio-economic problem in our country.

Honourable senators, in memory of all of these women who have been victims of violence in Canada, I encourage you to continue to work within your communities to fight this social scourge, which we must vanquish.

[English]

CONVENTION ON THE LAW OF THE SEA

TWENTIETH ANNIVERSARY

Hon. George Baker: Honourable senators, it has just been brought to my attention that this is the twentieth anniversary of the Convention on the Law of the Sea. It was on December 10, 1982, that Canada signed the declaration for the Convention on the Law of the Sea. The document was opened in Jamaica on that day to await 60 ratifications to make it international law. That took place in November of 1994 when the sixtieth nation ratified the Convention on the Law of the Sea. Canada signed the document 20 years ago today.

Today, honourable senators, 138 nations have ratified the Law of the Sea. Unfortunately, one nation that has perhaps the largest coastline in the world, and that once had the greatest fishery in the world, has not ratified the Law of the Sea, and that is Canada.

Some Hon. Senators: Shame!

Senator Baker: Honourable senators, 20 nations in the world today have notified the United Nations Commission on the Limits of the Continental Shelf that they wish to extend their jurisdiction out to 320 miles, France being the first and the Soviet states did it just last month.

• (1420)

Here we are, honourable senators, not having ratified the Law of the Sea. We cannot make such an application under article 76 of the Law of the Sea. Perhaps a committee of the Senate should investigate this matter and nudge the Government of Canada to do the right thing.

Some Hon. Senators: Hear, hear!

[Translation]

ROUTINE PROCEEDINGS

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

SIXTH REPORT OF COMMITTEE PRESENTED

Hon. Lise Bacon, Chair of the Standing Senate Committee on Internal Economy, Budgets and Administration, presented the following report:

Tuesday, December 10, 2002

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

SIXTH REPORT

Your Committee has approved the Senate Estimates for the fiscal year 2003-2004 and recommends their adoption.

Your Committee notes that the proposed total budget is \$67,032,050.

An overview of the 2003-2004 budget will be forwarded to every Senator's office.

Respectfully submitted,

LISE BACON
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Bacon, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[English]

PEST CONTROL PRODUCTS BILL

REPORT OF COMMITTEE

Hon. Michael Kirby, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Tuesday, December 10, 2002

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

SIXTH REPORT

Your Committee, to which was referred Bill C-8, *An Act to protect human health and safety and the environment by regulating products used for the control of pests*, in obedience to the Order of Reference of Wednesday, October 23, 2002, has examined the said Bill and now reports the same without amendment.

Attached as an appendix to this Report are the observations of your Committee on Bill C-8.

Respectfully submitted,

MICHAEL KIRBY
Chair

(For text of observations, see today's Journals of the Senate, Appendix "A", p. 400)

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Kirby, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

[Translation]

FISHERIES AND OCEANS

BUDGET—PRESENTATION OF REPORT OF COMMITTEE

Hon. Gerald J. Comeau, Chair of the Standing Senate Committee on Fisheries and Oceans, presented the following report:

Tuesday, December 10, 2002

The Standing Senate Committee on Fisheries and Oceans has the honour to present its

SECOND REPORT

Your Committee, which was authorized by the Senate on November 6, 2002, examine and report from time to time upon matters relating to straddling stocks and to fish habitat, respectfully requests for the purpose of this study that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary, and that it be allowed to adjourn from place to place within and outside Canada.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets, and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

GERALD COMEAU
Chair

(For text of budget, see today's Journals of the Senate, Appendix "B", p. 402.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Comeau, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

OFFICIAL LANGUAGES ACT

BILL TO AMEND—FIRST READING

Hon. Jean-Robert Gauthier: Honourable senators, I have the honour to present Bill S-11, to amend the Official Languages Act, to clarify the scope of Section 41 of the act to ensure that it is binding.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Gauthier, bill placed on the Orders of the Day for second reading on Thursday, December 12, 2002.

[English]

NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Colin Kenny: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move, seconded by Senator Forrestall:

That the Standing Senate Committee on National Security and Defence have the power to sit at 2:30 p.m. today, Tuesday, December 10, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Senator Murray: Explain.

Senator Kenny: Honourable senators, officials who are reviewing aspects of a report we are working on are available to meet with us today. We believe that today is the last occasion to meet with those officials before we meet again in January.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY HEALTH ISSUES SURROUNDING REPORT ON STATE OF HEALTH CARE SYSTEM

Hon. Michael Kirby: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on issues arising from, and developments since, the tabling of its final report on the state of the health care system in Canada on October 2002. In particular, the committee shall be authorized to examine issues concerning:

- (a) Aboriginal health;
- (b) Women's health;
- (c) Mental health;
- (d) Rural health;
- (e) Population health;
- (f) Home care;
- (g) Palliative care.

That the papers and evidence received and taken by the Committee on the study of the state of the health care system in Canada in the Second Session of the Thirty-sixth Parliament and the First Session of the Thirty-seventh Parliament be referred to the Committee; and

That the Committee submit its final report no later than June 30, 2004.

FOREIGN POLICY ON MIDDLE EAST

NOTICE OF INQUIRY

Hon. Marcel Prud'homme: Honourable senators, I give notice that on Thursday, December 12, 2002, I will call the attention of the Senate to the Canadian foreign policy on the Middle East.

[Translation]

OFFICIAL LANGUAGES

NOTICE OF INQUIRY

Hon. Jean-Robert Gauthier: Honourable senators, I give notice that on Thursday next, December 12, 2002:

I shall call the attention of the Senate to the need to put in place a real policy on the active offer of judicial and legal services in the minority official language and the need for the federal government to take all necessary measures in order to serve official language communities at risk.

SERVICES AVAILABLE TO HEARING IMPAIRED USERS OF PUBLIC TRANSPORT

NOTICE OF INQUIRY

Hon. Jean-Robert Gauthier: Honourable senators, I give notice that on Thursday next, December 12, 2002:

I shall call the attention of the Senate to the difficulties faced by the deaf and hearing impaired in availing themselves impartially and in full equality of the

information and safety procedures available to Canadians at airports, on aircraft, in ships and on all forms of public transport.

ACCESS TO CLOSED-CAPTIONING IN FRENCH

NOTICE OF INQUIRY

Hon. Jean-Robert Gauthier: Honourable senators, I give notice that on Thursday next, December 12, 2002:

I shall call the attention of the Senate to the difficulties faced by national broadcasters in delivering realtime closed-captioned programming and the inequality of access to closed captioning in French of programming on Radio-Canada and other francophone networks, which broadcast barely 50 per cent of their programs with closed-captioning, compared with the anglophone networks, which, like the CBC, broadcast 100 per cent of their programming closed-captioned.

[English]

QUESTION PERIOD

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— PROCUREMENT PROCESS— REJOINING OF SPLIT CONTRACTS

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government in the Senate. It arises out of the decision to rebundle the split Sea King contracts. Can the minister explain to the chamber why it is that the government has now decided to move from the split contracts back to a bundled single procurement to replace the Sea King fleet?

• (1430)

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the simple answer is that the Minister of Defence decided that, in its unbundled, form the process was much too slow. Therefore, the minister decided to rebundle the procurement process, in order to proceed as quickly as possible with the much needed Sea King replacement.

REPLACEMENT OF SEA KING HELICOPTERS— PROCUREMENT PROCESS—REJOINING OF SPLIT CONTRACTS—COMPENSATION TO COMPANIES AFFECTED BY CHANGE

Hon. J. Michael Forrestall: Honourable senators, last year, on April 25 and again on May 8, the Leader of the Government informed this chamber that the reason for the split procurement was to allow more Canadian companies to compete. I have *Debates of the Senate* for those dates in my hand. This gives rise to whether the response we have just heard is acceptable to those Canadian companies that have spent a fair amount of time, effort and resources participating in this procurement process, which, certainly, is one of the largest the federal government has considered entering into.

Specifically, does the government have any intention of compensating those companies that may have expended, in particular, large numbers of dollars?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the honourable senator asks an important question. In proposing two separate contracts, it was certainly the position of the government that that might lead to more Canadian companies competing.

Bundling the process does not, however, deny the possibility that some Canadian companies could still participate. However, it is clear that that participation will not be as broad as otherwise might have happened. The issue of compensation, however, has not been raised, nor do I suspect it will be raised until after the contract is granted. If, at that time, a company can show proof that it acted in good faith and that that good faith was not protected, then it might have a case to put.

Senator Forrestall: Honourable senators, I am sure that at least those Canadian companies involved will appreciate the door not being slammed in their face at this stage and that there may be an opportunity later to demonstrate their case.

Could the minister tell us why it is that the department did not issue a press release regarding this major change in the \$2.9 billion-plus competition? One would have thought that a press release carrying some detail and indicating where more detail might be available should have been issued to advise the Canadian public.

Senator Carstairs: Honourable senators, as the honourable senator knows, the Minister of Defence chose to make a statement about this inside the House. He also chose to deal with the media outside the House of Commons last week in announcing that this change had taken place. It is also my understanding that it was put immediately on the Web site. Therefore, all those companies that had been engaged in the process up to this point were immediately informed.

JUSTICE

FIREARMS REGISTRY PROGRAM—INCREASE IN FIREARMS MURDERS—REQUEST FOR BREAKDOWN BY PROVINCE AND TERRITORY OF APPLICANTS REJECTED

Hon. Gerry St. Germain: Honourable senators, my question is also addressed to the Leader of the Government in the Senate. Yesterday, I raised a question regarding the gun registry and the 7,000 applications that had been rejected. I wanted to know how many of those applicants were Aboriginal. The minister replied that there has not been a breakdown of that figure.

I then asked the minister whether that information could be made available; however, at that point, the time allotted for Question Period had ended.

My question, today, is straightforward; it is to restate my request for that information. If at all possible, could I have a breakdown by province and territory of the data concerning the rejection of these applications?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. After I left the chamber yesterday afternoon, I immediately made such an inquiry.

The answer is that it is not possible to identify how many of the 7,000 applicants were Aboriginals because no self-identification as to whether one is Aboriginal or non-Aboriginal was required on the application form.

Senator St. Germain: Honourable senators, is it possible to be provided with a breakdown by province and territory?

Senator Carstairs: Honourable senators, I shall have to make inquiries in that regard. It is possible that that breakdown is available, given that one would have to identify where one lives.

I am sure the honourable senator does not want more money spent on the gun registry, however.

Hon. Herbert O. Sparrow: Honourable senators, a reference has been made in this chamber and by the minister outside the chamber that 7,000 applications had been returned or refused because of criminal records and so on. This is being stated as if to infer that 7,000 murders were prevented as a result of these rejections. The question asked by the Honourable Senator St. Germain as to where these 7,000 people live is important.

Is the Leader of the Government in the Senate saying that these 7,000 rejections have prevented some murders? Is that what is being inferred? Is there any indication that the minister can give about the refusal of those 7,000 applications having saved lives?

Senator Carstairs: Honourable senators, I do not think a direct linkage can be made between the applications of 7,000 people having been rejected and how many murders were committed, since we are dealing with a hypothetical issue.

The bottom line is that if 7,000 people have been rejected and that those individuals, in my view, in the view of the government and I suspect in the view of most Canadians, should not have firearms.

FIREARMS REGISTRY PROGRAM—SUSTENANCE HUNTER APPLICANTS REJECTED ON BASIS OF CRIMINAL RECORD

Hon. Herbert O. Sparrow: Honourable senators, if that is the case, is the minister saying that an individual who has a criminal record, be it for impaired driving, shoplifting or some criminal offence in the North, should never receive a licence for a gun or have guns? If so, that would, perhaps, take away the possibility of those people making a living. As a society, are we prepared to take away from Aboriginal people the type of living they may require for their subsistence?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator knows, there were specific regulations made to the gun bill with respect to sustenance hunters, the majority of whom are Aboriginal people.

In the case of a sustenance hunter, although he or she may not have a licence for a gun, the community can provide a gun to that individual for the purposes of hunting. When the hunt has been completed, that gun must be returned to the community; it cannot remain in the individual hunter's possession.

It was very clear in those regulations that one had to look after the sustenance hunters.

Hon. A. Raynell Andreychuk: Honourable senators, our committee heard evidence that in those 7,000 applicants there are Aboriginals who have a criminal record and who may have violated some of our laws. As honourable senators well know, the Aboriginal community is "oversubscribed" in our penitentiaries and in our legal and social systems.

• (1440)

Does the honourable leader deem it fair to categorize in that way such a goodly portion of those 7,000 who are Aboriginals and cannot obtain a licence because of their status in our society and because of the rules, to which they have trouble adhering? Is it proper to indicate that they should never receive a licence and should always be beholden to someone else in order to obtain a gun that they would use for their subsistence? Surely this is a double blow to their society. Is there not a better way of dealing with this, particularly when the minister agreed that there would be full and adequate consultation with the Aboriginals to ensure that they would not be unduly harmed further by virtue of their Aboriginal status?

Senator Carstairs: Honourable senators, that is exactly why the government came in with special rules for sustenance hunters. It was so that they would not be prohibited from hunting. It was recognized that, in many communities, particularly Aboriginal communities, hunting is a basic way of providing food. The rules regarding sustenance hunters are in place.

There is also the ability to appeal to the government for a pardon in the case of a criminal record. The reality is that the legislation is clear: Those with criminal records are not eligible to have licences for their guns; however, if they are sustenance hunters, they do have the right to access a gun under certain circumstances.

Senator Andreychuk: Honourable senators, perhaps I did not make my point clear. The honourable leader has said that the government has devised a process whereby hunters would be allowed to continue some form of hunting. Surely, this is an intrusion on their inherent right to hunt directly by the means that they had. Does the government now recognize that the methods that they chose are insufficient to provide full due to the constitutional rights of Aboriginals? Furthermore, the consultation process was aborted by the government, although, the Aboriginal people told us, the process still infringes on their individual rights.

Senator Carstairs: As you know, honourable senators, the Aboriginal people have chosen to take this matter before the Supreme Court of Canada. Eventually the court will rule on it. Currently, hunting by these individuals is not restricted. They can

go hunting. However, they cannot keep guns in their homes, where their crime, in all likelihood, was committed.

Senator Andreychuk: As a supplementary question, the honourable leader said, "...where their crime, in all likelihood, was committed." Does she have evidence of the crimes they have committed by virtue of having guns in their houses? I fully appreciate that they have criminal records, but is there any link? The honourable leader said that Aboriginal people who have a criminal record are likely to kill because they have guns in their houses.

Senator Carstairs: The honourable senator is putting words in my mouth, but they are not my words; they are her words. The reality is that when individuals go on a hunt, they are frequently alone or with family members. There are not many incidents of crime committed during that activity. However, we know that a great many crimes are committed in communities throughout this country, whether the communities are in urban centres or in rural settings. That is the kind of crime that we are trying to avoid.

FIREARMS REGISTRY PROGRAM—FARM APPLICANTS REJECTED ON BASIS OF CRIMINAL RECORD

Hon. Herbert O. Sparrow: I have a supplementary question. I understand what the honourable senator is trying to explain, but she should try to explain it to farmers everywhere who have used guns for the protection of their property. A farmer may have a criminal record and thus be refused a licence to own a gun on his premises. Just recently, cougars that came onto a farmland area killed 60 sheep. What would happen if a farmer on that land had no licence and therefore no right to own a gun? What would happen to him? Part of his livelihood would be destroyed because of his inability to obtain a long-barrel gun for the protection of his farm property. What happens in such a case? Are we prepared to take away his life's work and the sustenance that he would derive from his animals?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is certainly clear that I am not in full agreement with some of the questions that are being asked today. I believe that when one commits a criminal act in this country one will lose some privileges. One of those privileges is the right to have a licence for a gun. I know that some in this chamber would argue that that is not a privilege, that it is an absolute right. I do not agree that it is an absolute right. It is a privilege that one may choose to forfeit by virtue of a criminal act.

UNITED NATIONS

IRAQ—WEAPONS INSPECTION PROGRAM—DOCUMENTS ON WEAPONS OF MASS DESTRUCTION

Hon. Douglas Roche: Honourable senators, my question is for the Leader of the Government in the Senate and it concerns the speech made today in Oslo, Norway, by former United States President Jimmy Carter, who, in accepting the 2002 Nobel Peace Prize, made reference to the UN inspection process in Iraq. Former President Carter expressed the view that Washington, D.C., should work with the United Nations toward a peaceful resolution of tensions with Iraq. Mr. Carter amplified that opinion at a press conference by saying that, at this

point, in his opinion, Iraq has complied. President Carter also said that if the United Nations Security Council ultimately judges Iraq to be in compliance, he sees no reason for armed conflict.

Honourable senators, this raises the question: How will the information obtained by the inspectors, including the 12,000 pages of written submissions that is being analyzed by the inspectors, be communicated to other governments so that they will have a proper opportunity to evaluate the legitimacy of that information?

Specifically, will the Government of Canada have an opportunity to evaluate this inspection analysis and share that information with the government, Parliament and the public?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, allow me to outline the process. The 12,000 pieces of paper have now been received in New York and Geneva. Numerous pages were written in Arabic and will require translation into the working languages of the United Nations. All of the documents will be analyzed and the results will be made available to all member nations of the United Nations.

ADOPTION OF MOTION IN SUPPORT OF SANCTIONING MILITARY ACTION AGAINST IRAQ UNDER INTERNATIONAL LAW

Hon. Douglas Roche: The honourable leader will note that, for more than two months, we have had a motion, Motion No. 4, on the Order Paper, standing in my name, which states:

That the Senate notes the crisis between the United States and Iraq, and affirms the urgent need for Canada to uphold international law under which, absent an attack or imminent threat of attack, only the United Nations Security Council has the authority to determine compliance with its resolutions and sanction military action.

• (1450)

Honourable senators, this motion grows in intensity by the day. It stands and has stood for some time on the Order Paper in the name of Senator Rompkey. I have raised with the Deputy Leader of the Government the issue of moving this motion forward, and he has indicated that he would hold consultations to that effect. Would the minister agree that it would be useful to call upon the Senate to give its view on this motion before we rise for Christmas?

Hon. Sharon Carstairs (Leader of the Government): As the honourable senator knows, I am responsible for government business and not for house business. The motion to which he refers is a piece of house business. It is a motion the honourable senator has put forward. The Senate, in due course, I am sure, will make a decision.

IRAQ—WEAPONS INSPECTION PROGRAM—DOCUMENTS ON WEAPONS OF MASS DESTRUCTION

Hon. Laurier L. LaPierre: Honourable senators, if I have understood correctly, when the documents arrived from Iraq, they

were given to the President of the Security Council, who took one copy and handed it over to the United States of America to be vetted and translated, following which it would be given to the four other permanent members of the Security Council. Only after some information has been removed — namely, the naming of various companies and countries who supplied products to the Iraqis that are said to have been used or could have been used in armaments of mass destruction — will the documents be distributed to the rest of the Security Council members and, after that, to the general members of the United Nations and then to the public. Would it be irrational for me to conclude that this procedure is not proper and that essentially it weakens the capacity of the international community to make an objective assessment of the work of the inspectors in order to prevent a war?

Hon. Sharon Carstairs (Leader of the Government): I do not interpret the events the same way as does the honourable senator. His process is right. A copy of the report was given to the United States. My understanding of the reasons it was given to the United States is that the United States has made some very serious charges with respect to the possession of these weapons in Iraq.

Presumably, if the Iraqi government has tabled a document in which it says it has no weapons of mass destruction, then the United States will have to then tell the inspectors where they believe those weapons are located. If that is the case, then maybe we will get to the bottom of this and find out whether or not Iraq has weapons of mass destruction. Before the United Nations can make a decision, it seems to me that they have to know one way or the other.

Senator LaPierre: Honourable senators, does the leader not think that this course of events pre-empts the issue? The United States seems to be quite keen on a war. The United States has moved masses of troops and armaments to that region. Everyday, someone in the high administration of the United States threatens the world with this war. Does the honourable leader not think, even though there are very honest and very magnificent creatures in the Government of the United States, who are very intelligent, superb and glorious, our best friends and best allies, that it is possible there may be some hanky-panky with the documents to prove the point that Mr. Bush has been making since his inauguration, namely, that Iraq has weapons of mass destruction and that its leader must be removed?

Senator Carstairs: Honourable senators, I would believe that if — and it is a very large if — all of the documents were being translated by the United States. That is not the case. The translation of the documentation is being carried out by officials at the United Nations who represent the global community.

I do think it is important that if the United States has evidence that is not in the documentation provided by Iraq, they must provide that information if we are to have a full view and a fulsome understanding of what is actually happening in the state of Iraq.

THE SENATE

POSSIBLE WAR WITH IRAQ—POSSIBILITY OF DEBATE

Hon. Marcel Prud'homme: Honourable senators, Senator Roche touched on the subject of Iraq. Tensions in that region could explode in our face while we are absent for the Christmas recess. It has been twelve days since the House of Commons had to face that debate, which took place for hours. I think it took 10 hours of debate. I remember very well that in the morning, the Liberal Caucus of Canada, of which I am an elder, had decided that Canada should not participate, should there be a conflict. During the day, things being as they are sometimes, mysteriously we started collapsing and, at the end of the day, arrived at a decision to support the war effort, should there be one.

My hope is that senators in this chamber would resume this debate and that the Standing Senate Committee of Foreign Affairs would study the Middle East because it is a place that could endanger the peace of the world. Surely senators understand that. Senators are more independent-minded parliamentarians. Something should be done before the Christmas break.

I know the view of Canadians now is that we will only participate if the decision to go to war is a UN decision. However, if it is a decision of the United States alone, honourable senators know the pressure that Canada will be under. The Senate will not be sitting. We will not have had the chance to express our views and to say that we will not participate, even though the United States of America is our close friend. I do say that in all sincerity. The answer is no if war is an expedition of only the United States or anglo-America.

Contrary to the other place, where members of Parliament may be more afraid to discuss these issues, the Senate may be the right place to have at least a couple of hours of discussion. In that way, senators who have strong feelings in this regard, such as Senator Roche and many others, could express their views. Perhaps that suggestion could be considered before we adjourn?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is not up to me to consider such a suggestion. It is up to the chamber to make that determination. I am sure that Senator Rompkey would be delighted if a senator wanted to participate in such a debate. That is our usual custom. If a senator is not ready to speak to a motion, then the custom is to rise and inform the Speaker that you wish the adjournment to stay in the name of the senator who has the adjournment and put your words on the record. We have used this procedure many times, and I see no reason why it would not work in this instance.

UNITED NATIONS

IRAQ—WEAPONS INSPECTION PROGRAM— DOCUMENTS ON WEAPONS OF MASS DESTRUCTION

Hon. A. Raynell Andreychuk: Honourable senators, my understanding is that the United States has records given to it by Iraq through the United Nations and the Security Council.

More important, my understanding is that the decision to disclose these records for either copying purposes or analysis is taken through that route. Therefore, the process we have been discussing is within the UN ambit and does break what I thought was our position, and at least my position, that we work through the UN.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I do not see an inconsistency; perhaps the honourable senator does. I understand that the United States obtained that material directly through the United Nations. They did not get it directly from Iraq. The material went to the United Nations and was then distributed. A copy was given to the United States because the United States has been the only country to make a considerable number of statements about the presence of weapons of mass destruction. Mr. Annan was quite clear yesterday when he said that it was necessary for them to produce the proof.

• (1500)

The Hon. the Speaker: Honourable senators, I regret to advise that the time for Question Period has expired.

QUESTIONS ON THE ORDER PAPER

REQUEST FOR ANSWERS

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I wish to ask the Leader of the Government or the Deputy Leader of the Government if answers to the questions that I have had on the Order Paper for over two months will be forthcoming before we break for Christmas.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank Senator Lynch-Staunton for that question. I made inquiries immediately upon his asking that question last week. I have not received any information, so I will make another inquiry today.

I will need to check the procedure. It seems that it is possible for me to distribute those questions to senators during the break, even though they would not have been tabled. If that is the correct procedure, it would be my intention to do so if the answers have not arrived by the time we rise.

BUSINESS OF THE SENATE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have a question in relation to the order of government business. Could either the Leader of the Government or the Deputy Leader of the Government inform us whether there is any truth to the rumour on Parliament Hill, today, that in the other place the government has withdrawn Bill C-10A? If that is not the case, then I have no further question. If it is the case, I have subsequent questions as to government business.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, Bill C-10A has not been withdrawn.

[Translation]

OFFICIAL REPORT

POINT OF ORDER

Hon. Jean-Robert Gauthier: Honourable senators, on three occasions recently, the Senate Hansard has not faithfully recorded the debates in which I have taken part.

Yesterday, I made a statement in the Senate on the need for safety messages in airplanes. In the French version, all of the text appears, but the English version contains only half of the text. I find it troubling that Hansard is supposed to produce reports of the Senate debates, yet they are incomplete.

Approximately two weeks ago, Senator Joyal asked me a question, to which I responded. Hansard did not even mention that I had responded. Before that, the same thing happened in the table of contents. Is there cause for concern regarding the veracity of Hansard, which reports on our debates? I would like a correction made to yesterday's Hansard, and I would like it noted in today's Hansard that I raised the issue in the Senate. Our comments must be reported; otherwise, there is no way to account to the Canadian public for the work we do.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I believe it is very important that debates be reported as they occur here in the Senate, and that this be done in both official languages. We must ensure that all senators' privileges are respected.

Certainly, there is cause to wonder why this happened. I am sure that there was no malicious intent on the part of anybody. However, we must ensure that the work is done properly.

Senator Gauthier: Honourable senators, I would like to clarify the problem. The mistake is on page 595 of yesterday's official report. The French text is complete, but the English version only contains three paragraphs, where there should be six. I would ask the Deputy Leader of the Government to do something to solve this problem.

Senator Robichaud: Honourable senators, I do not believe that this is a specific responsibility of the Deputy Leader, but rather that it is up to the Senate in general to ensure that Hansard reports faithfully the work of the Senate. We can consult with those responsible for the publication of the debates in order to ensure that the mistake is corrected.

[English]

The Hon. the Speaker: Honourable senators, I agree that Senator Gauthier's point of order is important in that the proceedings of this place should be faithfully reflected in the *Debates of the Senate*.

However, I have no other suggestion to make than that we request a correction of the deficiencies that have been identified. If this matter arises again, then the point of order will be that much more serious. That will be the point at which some further action will have to be taken.

[Translation]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I would like us to address, under Government Business, Item No. 3 under Bills, before resuming the order proposed in the Order Paper.

[English]

APPROPRIATION BILL NO. 3, 2002-03

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Phalen, for the second reading of Bill C-21, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003.

The Hon. the Speaker: Honourable senators, I would remind Honourable Senator Murray that he has 20 minutes of his time left.

Hon. Lowell Murray: Honourable senators, I will do my best.

When I sat down, yesterday, I was talking about the report entitled: "Trends in Higher Education," issued by the Association of Universities and Colleges in Canada, in October.

I have mailed a copy to the Honourable Senator Moore. By all accounts, including that of Senator Oliver and others, Senator Moore is recovering well from not one, but two surgeries. Let me express the hope that is generally held here, that we will not only see him but hear from him on this very subject early in the new year.

Honourable senators, for the benefit of the beady-eyed guardians of the Federation of Independent Schools of Canada, FISC, and the Department of Finance, the trends report points out that 15 per cent of the population over 18 years of age are university graduates. However, they account for one-third of all income tax collected in this country.

The report points out that there was an enrolment slowdown in the mid-1990s that they say was,

...caused, in large part, by the deep cuts in government operating grants to universities, which in turn necessitated cuts to faculty and other university services and hampered universities' responsiveness to enrolment demand.

Enrolment has picked up again in the last four years. The report notes that university enrolment increased five times faster than population growth in the past four years.

The rather challenging news that the report brings is that government operating support for universities is 17 per cent lower than it was in 1992-93 and 30 per cent lower, almost \$4,000 less per student, than the \$12,000 per student that governments provided at the start of the 1980s. Against that, we should look at the coming needs in the university sector. This report by the AUCC indicates that, by 2011, universities may need to accommodate 200,000 more students and hire as many as 40,000 full-time faculty.

• (1510)

As honourable senators are aware, the Senate has a long-standing interest in this subject. It is not too many years ago that the Standing Senate Committee on Social Affairs, Science and Technology produced a study under the chairmanship of Senator Bonnell about the federal role in the financing of post-secondary education. We also had the study by our own National Finance Committee a couple of years ago, at the initiative of Senator Moore, to consider accumulated deferred maintenance costs at Canadian universities.

I wish to say, as I may have said yesterday, that post-secondary education cannot be an afterthought, in federal and provincial preoccupation, with social policy and preoccupation with health care in particular. Nor, I believe, can social assistance needs be allowed to fade from view. In fact, the need for more innovation in this field increases as the forces of globalization and technology change the world in which we live and change the economies in which we work.

The financing of health care, a subject that has taken so much time and captured so much interest on the part of politicians, media and the public, cannot be considered in isolation from the overall responsibilities of the government and, in particular, from its responsibilities in the social policy field.

I believe that we need a thorough examination of federal-provincial fiscal relations, including equalization, with particular attention to major areas of social policy. There are plenty of precedents for this, as honourable senators are aware, and there are various models for such an examination. The Rowell-Sirois commission, a royal commission appointed by the federal government, produced a landmark report on the matter in the 1940's. In the 1960s, we had the Federal-Provincial Tax Structure Committee, consisting of one minister from each province and three from the federal government. That committee reported twice, once under the Pearson government and once under the Trudeau government. This committee looked into the projected revenue growth at provincial, federal and municipal levels, as well as the projected growth of spending responsibilities at all three levels of government. It made a very useful contribution to public policy at the time. I may return to that some time in the New Year, perhaps if we have another set of Supplementary Estimates where I can intervene.

In the early 1980s, we had a House of Commons committee headed by the MP Herb Breau, whose vice-chairman was Don Blenkarn. The only member of that committee still in the House

of Commons is Bill Blaikie, who is now a candidate for the leadership of the NDP. The Breau committee produced a most interesting and thorough report on fiscal federalism in the 1980s.

I believe it is rather obtuse of the present Minister of Intergovernmental Affairs, Minister Dion, to dismiss the idea that there is a vertical fiscal imbalance in this country as if it were utterly without merit. Just a few months ago, we saw the famous Séguin report which deals with Quebec. That report was commissioned by the Quebec government. Since that time, the Conference Board of Canada has done a study of the 10 provinces with respect to this matter. The Institute for Research on Public Policy has produced a report authored by Professor Thomas Courchesne. I understand that Minister Dion and others may question the methodology and so forth, but all of these reports project that the growth of federal revenues will outpace the increase in federal expenditures over the medium term, and that the growth in provincial spending responsibilities will outpace their revenues in the medium term. We need to look at this more dispassionately and not dismiss it out of hand, as Mr. Dion and the federal government seem prepared to do.

This has been done before, notably by the Federal-Provincial Tax Structure Committee in the 1960s. It can and should be done again.

Finally, honourable senators, I should like to take a few minutes of your time to discuss the firearms registry. This issue has become such a matter of public controversy in the last few days with the report of the Auditor General. As the Leader of the Government said yesterday, the Auditor General has had some criticism, implicit or explicit, of parliamentarians, in particular those in the House of Commons, for not staying on top of this issue.

For the record, I should point out that the Standing Senate Committee on National Finance has been tracking the financing and the financial problems associated with this agency for more than five and a half years, beginning in March of 1997.

For the information and further reference of honourable senators, in October I asked the Library of Parliament to prepare a document entitled: "References to the Federal Firearms Registry Program in the Proceedings of the Senate National Finance Committee." That document took us up to November of 2001. Yesterday, I asked for that document to be brought up to date and that has been done. It now takes us up to Tuesday, November 26, 2002. Both of those documents are available from the Library of Parliament and I offer them for the edification of honourable senators.

I will not take honourable senators through this entire document. It began for us, as I said, in March of 1997, when the Treasury Board officials told us that, with anticipated registration revenues of \$116 million, the net cost to the government was estimated to be \$2.2 million over that same period. They told us that those costs and revenue projections were still incomplete. We were also told that, it was in the formative stage and that a more substantial financial framework for the program was expected soon.

Then we move to March 10, 1999, where the same official, Mr. Neville of the Treasury Board, made the following remark:

...\$120 million is forecast to set up the registration system, but we have a maximum ceiling of \$133 million for 1998-99 for the Firearms Control Program, which, for example, includes the costs of operating the system.

Moving along to November 23, 1999, the same official told us:

I shall provide you with total costs, as we know them. They are: 1995-96, \$12.6 million; 1996-97, \$25.7 million; 1997-98, \$51.2 million; 1998-99, \$172.1 million, plus estimated for 1999-2000, \$87.9 million. That is a total, not spent, but planned, \$309.7 million.

Then we come to March 13, 2001. Asked what the total spent to date has been, Mr. Lief, a director and official of the Treasury Board, said: "Including these Supplementary Estimates, I believe that the number is \$489 million. I will just double-check that."

• (1520)

Later, on November 21, 2001, we were told by Mr. Neville that a major restructuring of the Canadian Firearms Program was presented to cabinet in February 2001. Cabinet approval was received, he said, on the basis that this would generate savings, mostly due to the redesign of the IT systems and business processes.

He told us:

...the resource profile...if you care to jot this down — before the beginning of fiscal year, it was \$541,216,000. In the Main Estimates — that is, the Main Estimates for this year, 2001-02 — there was a planned additional \$34,611,000. The amount in these Supplementary Estimates, as I have already explained, is \$113,866,000. The total at this point is \$689,760,000.

That was on November 21, 2001.

On November 26, 2002, at a National Finance Committee, further information was placed on the record during a discussion between Senator Comeau and Mr. Neville. Senator Comeau asked, in part:

If we are to assume that there will probably be supplementaries, and judging by the past, that would be a fair assumption, we will probably hit the \$1 billion mark by March 2005. Am I being overly generous there?

Mr. Neville answered in this way:

I believe that what is in the RPP is factual. If you add up all of those components, there is a strong possibility that the final costs may be in that range.

All this, of course, was confirmed. I will not take honourable senators through the comments made by members of the committee as we went along, over a five and a half year period.

However, I do make the point strongly that members of the Senate and the Senate committee noted this in our reports that we made over that entire period — December 1999, June 20, 2000, March 22, 2001, December 4, 2001, and so on. Our reports testify to the concern of honourable senators about the matter. I assure honourable senators that the members of that committee showed more than due diligence in tracking what was happening with the firearms registry.

We knew what was going on, the officials knew what was going on, and I cannot believe for a moment that ministers did not know what was going on with this extraordinary, almost unprecedented expense overrun.

How could this have happened over a period of five and a half years? Why is everyone on the other side feigning such surprise? Who is in charge? Where are the internal checks and balances that are supposed to exist in the cabinet system, the Privy Council and the Department of Justice?

This past weekend, a newspaper column written by Douglas Fisher suggested that the Department of Justice, far from trying to restrain some of the more extravagant impulses and enthusiasms of ministers, was egging them on, that the Department of Justice itself has been taken over by zealots. If that is true, it is a very worrisome development, because the Department of Justice traditionally has had a stabilizing and moderating effect on governments and on the enthusiasms of some ministers. Sometimes it is the job of advisers to save ministers from themselves.

This program was badly conceived from the beginning. The Honourable Allan Rock arrived here, a rookie minister, a rookie member of parliament, with too much political ambition and not enough political experience. It was someone's job to save him from himself. He was an easy mark in 1993 for a powerful, skilled lobby operating in the aftermath of the emotional response to the tragedy at l'Ecole Polytechnique. There had been corrections to gun laws brought in, in 1992, by the previous government with Kim Campbell as Justice Minister. Those new changes were never given a fair trial. The lobby got on Mr. Rock's case. They persuaded him that he had to go all the way, that he had to do the things that Ms. Campbell and the previous government had not done or had declined to do.

With the lobby group egging him on, with no apparent checks and balances in the system, Mr. Rock went ahead and presented the provinces and the country with a *fait accompli*. Now we have members of the Liberal caucus — it may be 20/20 hindsight — saying that they warned him that he was going too far, that the program would not work and that a multitude of problems would arise.

Honourable senators, the problem, it seems to me, is somehow systemic. The government is making, as I said the other day, the same mistakes with Kyoto, bulling ahead when a bit more deliberation and consultation and a determination to negotiate an agreement with the provinces and the private sector to try to achieve some kind of consensus and *modus vivendi* would produce better results.

One matter I wish to flag before I sit down refers to something I said yesterday about codes of ethics. I forgot to mention, as I did not have my notes with me, that in the United Kingdom, where parliamentarians are required to declare their interests, there is a similar, if not identical, regime that applies to members of the parliamentary press gallery at Westminster. Holders of passes as lobby journalists accredited to the parliamentary press gallery or for parliamentary broadcasting are required to register any occupation or employment for which they receive over 550 pounds from the same source in the course of a calendar year if that occupation or employment is, in any way, advantaged by the privileged access to Parliament afforded by their passes. I looked up the list of —

The Hon. the Speaker *pro tempore*: Honourable Senator Murray, your time for speaking has expired. Are you asking for leave to continue?

Senator Murray: Sixty seconds will do the trick.

Hon. Senators: Agreed.

Senator Murray: I looked up the list of journalists. Sure enough, they declare extra income from reviews or part-time teaching or speech writing, and so on. This register is usually updated and published each month, except during months when the House is not sitting.

The point I wish to make here is that whatever regime we decide upon for ourselves, for parliamentarians, one matter that ought to be considered is whether that regime ought to be adapted and applied to members of the parliamentary press gallery and perhaps to their spouses.

I am sure that that will be the occasion for a lively and fruitful debate both in the media and in Parliament. Meanwhile, I wish them and you a happy holiday.

[Translation]

Hon. Roch Bolduc: Honourable senators, I would like to start by congratulating Senator Murray for having shared his opinion on the report. He took advantage of the opportunity to also offer his point of view on various government policies. I agree with his views. I would just like to modestly make a couple of comments on our report. We produced an excellent report of which I am very proud. It was produced in cooperation with representatives of the other party.

My remarks will address two points. First, we indicated the manner in which the ministers report on their activities.

• (1530)

It is better than it was, but there is still room for improvement.

In her latest report, the Auditor General proposes an improved definition of accountability. She stressed the importance of the means used and the results obtained. She included the obligations of all parties. She stressed the point that managers and Parliament must examine performance and determine what the appropriate consequences ought to be.

I would like to specifically address improvement of the budget process and its overview by Parliament. As we know, there are improvements already. We now receive plans and priorities as

first documents from 86 government bodies. This is a marked improvement.

The drawback of this process is that each one is 25 to 30 pages long, for a total of 4,000 pages of text simply to tell us what the government's intentions are. That is a lot of documents to read for a layperson like me, even though I think I am somewhat informed. After this first step of the process, you have the estimates, which is normal. Finally, you have the departmental performance reports. We are talking 25 to 30 pages here, sometimes up to 80 pages, and we are dealing with 86 agencies. We end up with 4,000 or 5,000 pages of text to explain what they have done in relation to their projections. That is a lot. I am very much interested in the nature of the texts.

Priorities are expressed as objectives rather than quantitative targets. There are no precise definitions, the general direction to be taken is described in vague terms. This generally makes sense. Departmental officials endorse motherhood, chastity, good things, in other words!

In terms of performance, meeting the objectives strikes me. Efforts are made to meet objectives. When the report states that the objective was this or that, in general terms, and that it has been met, it seems to me that the true impact should be felt and corrective measures made along the way. In other words, are we getting our money's worth? That is the big question.

We must not simply highlight the good points. Public servants outline plans and priorities, and then they assess performance. They have a built-in interest in the system, in ensuring that their recommendations were right, as well as their actions. The system is a bit flawed: they are evaluating themselves. As a result, it is only when the Auditor General mentions it that we realize that things are not so good. When Ministers Rock and McLellan received the proposals for this bill, everything seemed wonderful. Today, we realize that it is not quite true.

That was part of what struck me. The performance analysis is not designed to be understood by ordinary people. This is important. It is impossible to be an expert on reports for 86 departments. Public policy issues are so varied that it is difficult for everyone to know everything about every subject.

When it comes to health, a man such as Senator Morin knows this subject better than most senators. It is essential to be careful. The Auditor General concluded that accountability must be improved.

The report calls attention to this issue. It is important for senators interested in public policy to study the plans and priorities, and the performance analysis conducted. The Auditor General states that the situation has improved but there is still much to be done.

For twenty years now we have been waiting for progress. Every year, we are told that it is difficult. It makes sense. If it is difficult to analyse performance, how is it possible to give out performance bonuses? Everyone gets them. Apparently, 95 per cent of senior

[Senator Murray]

public employees in Crown corporations and elsewhere get performance bonuses. I can understand that those who have sources of revenue would get them. I can imagine that with financial statements, it is possible to know if it is worthwhile or not, and so performance can be measured to some extent.

In other cases, I do not know what will be given to the Deputy Minister of Justice who was in charge of the firearms registry program, as well as to his assistants. There is a group at the Department of Justice that was responsible for firearms registration. So far, nobody has lost his or her job.

I was serious when I asked the question. The ministers are still in place. Officials were promoted, even though they committed blunders. Something is not right somewhere. This needs to be looked into. Senator Lapointe looks as though he agrees with me.

As for the increasing importance of international commitments being made by the government and their impact on domestic policy, the government does not consult Parliament, under the pretext of the royal tradition whereby international relations, treaties and agreements are the prerogative of the executive branch.

As a result, the government is undertaking more international commitments, both in number and in importance. They then say, "It has been signed by the government." Between you and me, we can discuss the Kyoto Protocol all we want, but it will not make any difference. The vote will change nothing. The government is already committed and the case is closed. They are asking us to vote to hide this fact. In the end, it has all been settled.

This is having a growing impact on domestic policy. Since we have no say because it is considered a prerogative of the executive, there is relative absence of parliamentary involvement in decisions and monitoring these decisions. Yet that is why we are here. If there was ever an institution of the federal government that was supposed to serve as a system of checks and balances for the executive, it is the Senate.

The reason this system exists is because we are not the United States. We have a system of checks and balances. That is the role of the Senate. Senator Joyal made a brilliant speech on this in the Senate. The Senate must bring its wisdom to bear on government action, not only in terms of domestic policy — it is our role — but also when it comes to foreign policy.

In the 21st century, we can no longer allow ourselves to say that it is the government's prerogative and that the rest is unimportant; that the government has decided and that is it. No, in the 21st century, in a democracy, officials, regardless of how they are appointed — I am not very pleased with our process, but that is the way it is — must absolutely attach greater importance to the impact and commitments of the government regarding Canada's foreign policy.

In the document before us today, there is an additional \$200 million for CIDA. I am not opposed to it. We could have been more generous in the past regarding foreign aid. Investing more funds will not make things better. There is no direct link

between a higher standard of living in Africa and governments' participation in the system. We provided less assistance to Asia and it bounced back more quickly. Perhaps there are other methods that we have not yet examined.

I want to stress that, in both of these cases, we are watching the train go by and it is going by quickly. It is not satisfactory in the 21st century to behave in such fashion as a Parliament, particularly in the Senate.

Our system is based on a constitution. There are checks and balances within the system. Under this system, Parliament partly controls the government, not enough in my opinion, but that is the way the system is devised. Parliament does not control the system very well in the other place. The government enjoys a majority and the majority rules. In the Senate, we can tell the government what we want; we can tell it to be careful, to check something. There is an internal constitutionalism in the government, through the committees.

• (1540)

A minister proposes a bill and sets off on a crusade. His departmental staff support him instead of telling him to take it easy, so as not to run into problems. They play their role badly. I am not saying they need to be at loggerheads with their minister all the time. I am saying that they need to forewarn him about this or that aspect of a situation before making a decision, because it might be dangerous.

According to the system, the minister is the one who makes the proposal. Then, in cabinet committee, the ministers study the proposal and recommend that it be followed up on, or not. After a lengthy debate, often four or five months — I had fun with this process in Quebec because the ministers wanted to start using it again in the provincial cabinet, but I was opposed to that, telling them to settle their problems in committee and come back with an agreement — the minister makes the proposal, then the committee makes its recommendation, and then the government decides. That is the system or regime of internal constitutionalism.

It would appear not to be working very well. Mr. Rock and Ms. McLellan have had a lot of nonsense fed to them about firearm registration. There is a weakness in our system. I do not want to criticize anyone or start getting involved in partisan politics.

Care must be taken. Within the internal workings of the government there appear to be some weaknesses from the point of view of internal constitutionalism. I am cautioning the government on this, and telling it to take care.

I had a long public service career. Often the generation of decision-makers is the same generation as the senior public servants. These are people around 45 years of age, who are anxious to make good career moves. They need to be kept an eye on. It takes some older heads to calm them down. Because of the age bracket of these senior public servants, it is important that they have some independence, but not as much as in France. In that country, they are like magistrates. I met a lot of them during my career in Quebec and asked them what they did. They replied that they worked at home. This would be hard to imagine in Canada.

Senator Prud'homme: If they have been put on the shelf?

Senator Bolduc: That is all I wanted to say.

[English]

The Hon. the Speaker: It was moved by the Honourable Senator Day, seconded by the Honourable Senator Phalen, that this bill be read the second time.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Day, bill placed on Orders of the Day for third reading at the next sitting of the Senate.

SPECIES AT RISK BILL

THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Corbin, for the third reading of Bill C-5, respecting the protection of wildlife species at risk in Canada.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, as one begins to follow with greater focus the debate around Bill C-5, and in particular when one reads the report from the committee, it begins to present many difficulties. The difficulties are of both substance and process. The problem of process, honourable senators, is that the report, as tabled, did not simply report the bill without amendment; rather, the report included observations. This speaks directly to the good procedure of the house, which is that if a committee is reporting a bill without amendment that is what it says and that is what it does. A report that includes comments and observations only serves to fudge the matter, and that is exactly what this committee has done with this report.

How does the committee fudge the matter? On the one hand, the committee states that it supports the bill, but on the other hand it says that the bill has problems. It is for this reason that, as a matter of procedure, we do not accept reports in this house when they are accompanied by any counter statement. The committee report on Bill C-5 without amendment but with attached observations has breached the rules, which impels us to raise a point of order.

POINT OF ORDER

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, in his *Parliamentary Practice*, twenty-first edition, Erskine May, on page 644, states as follows:

...nor may the report be accompanied by any counter-statement, memorandum of dissent, or protest from any dissenting or non-assenting member or members...

Honourable senators, the wisdom of that practice and procedure is clear. At this point, when we should be debating

simply the third reading of the bill, we must contend with a report that has counter statements to the bill presented at third reading. The observations in the report contradict the bill. The observations contradict the report that says that the bill does not need amending; the observations in the report clearly state that future amendments to this legislation should address outstanding concerns and further strengthen the bill.

The Senate is in the unenviable position of getting something on the one hand from the committee, but something on the other hand from the committee. Therefore, I am arguing that the report before us is out of order and that what should be before us is simply the bill, without amendment, if that is what the committee is reporting to us. The committee cannot be reporting to us a bill without amendments and then turn around and make observations, such as the following, for example:

Future amendments to this legislation should address outstanding concerns and further strengthen it.

In my reading of the report, the committee is obviously saying to us that the bill needs amending. Hence, it is incumbent upon me to ask the committee why it has not amended the bill. That is the responsibility, we, in this chamber gave to the committee when we referred the bill for study and analysis.

If that is not the way we are going to proceed, then third reading becomes an entirely new process for us. We will need to study a bill and then perhaps devolve ourselves into Committee of the Whole, to hear from some of the witnesses, so that we can assess whether an amendment would be appropriate and, if so, what kind of amendment would be appropriate. That is the work that is usually done in committee.

Honourable senators, at face value, on a prima facie look at the situation, it seems to me that we are faced with a report that includes observations that speak to the substance of the bill and that contradict the bill; therefore, in my view, that report is out of order.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, if a point of order had to be raised regarding the report concerning Bill C-5, it should have been raised when the report was presented to the Senate. Usually, when a committee reports a bill without amendment, we move on to the next stage, that is third reading of the bill. This is precisely what we are doing here.

• (1550)

It is clearly indicated in the Order Paper that we would be resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Corbin, for the third reading of Bill C-5, respecting the protection of wildlife species at risk in Canada.

Speeches have already been made at this third reading stage. A point of order should have been raised before the speeches were delivered. I could stop here, but the committees recently adopted a practice that honourable senators are now following: they add to their report some comments or observations, which are sometimes called considerations. This is done normally and this is an accepted practice.

I do not see why, all of a sudden, this should no longer be the way to go about our business and why we should backtrack and start all over again. This is a practice that was accepted. If someone wanted to raise a point of order regarding this practice, he should have done so when the report was presented.

[English]

Hon. Terry Stratton: Honourable senators, I should like to refer to Erskine May's *Parliamentary Practice*, twenty-first edition, page 644, which states:

No signatures may, therefore, be attached to the report for the purpose of showing any difference of opinion in the committee or the absence thereof; nor may report be accompanied by any counter-statement, memorandum of dissent, or protest from any dissenting or non-assenting member or members; nor ought the committee to include in its report any observations...which are not subscribed to by the majority; —

I point that out for the consideration of honourable senators.

Hon. A. Raynell Andreychuk: Honourable senators, when is the most appropriate time to make a point of order? If this chamber has any validity, it is the fact that we can debate, discuss and, through that, form certain opinions. The report was first filed with observations. I am very mindful that in the first report where I agreed to observations, it was quite correctly pointed out to me that observations were really not part of the process of reports. However, over the years that I have been here, it has become a practice to do so. These observations have become instructions to the government to review, to reflect on future issues and on points that should be dealt with administratively. It is a very valid point to stand up now having had the benefit not only of the report and the observations but of the comments made by committee members and others who have spoken to this matter. It is only at this time that I think the point of order is in order and is timely because it is only when we put all the pieces together that we can figure out what the report and observations mean.

I went back to read the observations and determined that these are not observations. In reality, they run counter to the legislation. The legislation is going one way, and the observations clearly state that the committee members do not agree with the legislation. In fact, the observations point the government in the opposite direction. For example, the government has chosen to do things discretionarily. The committee is saying, no, that is inappropriate. It must be mandatory. That seems to be in total opposition of what the legislation intended.

Surely, observations are not to be comments that contradict the legislation. They should not be comments that go in the complete opposite direction of the government intention. That should be done by amendments and not by observations.

I do not believe that we properly discharge our duties in this place when we avoid taking hard decisions in the form of amendments or by voting against bills. I do not believe that we discharge our duties when we draft observations with pious invocations that the government change its legislation.

In my opinion, the point of order stands because the report, itself, approves the legislation and then goes on to disprove the legislation. The speeches of senators clearly point out that they do not concur with the legislation. Their speeches must be read in total to find out that they are not in agreement with the legislation.

I believe that there is a very valid point of order at this time.

[Translation]

Senator Robichaud: Honourable senators, the appropriate time to raise a point of order is when the report is presented, which was some time ago. This is a practice accepted by the senators who sit on committees, and it is a practice that allows them to convey a message, if they wish to do so. If a senator does not agree with what is proposed, he can present amendments.

If a point of order could be raised at any time, this would mean that we can go back a week or two and start the debates that have already taken place all over again, when the stage at which this should have been done is over and we have already moved on to the next stage.

We cannot support the idea that a point of order can be raised at any time. The rules are clear: a point of order must be raised at the earliest opportunity, but this was not done in the present case.

[English]

Senator Kinsella: Honourable senators, as I said when I led into this point of order, I first realized that there might be a breach of process of order when I read the report and began to prepare notes to participate in the debate at third reading.

I would draw the attention of His Honour to our rules, in particular rule 97(4), which states:

When a committee reports a bill without amendment, such report shall stand adopted without any motion, and the Senator in charge of the bill shall move that it be read a third time on a future day.

That all happened, honourable senators. We really did not have a debate on the report. Why? Because the report said the bill is being reported without amendment. It is only when we get into the debate at third reading that we begin to hear from members of the committee that they had difficulties with the bill. Some senators said, "If you had difficulties with the bill, why did you not make an amendment in committee?" Now we are saying that maybe we all should go ahead and read the transcript of what went on in the committee, but more particularly, to read the report.

Honourable senators, we have been placed in a rather difficult situation. Why? Because they did not follow the rules of the Senate, rule 97 of which outlines the procedure to be followed when a bill is reported without amendment.

Senator Stratton has made reference to our *Companion to the Rules of the Senate*. At the top of page 304, we read that:

No signatures may, therefore, be attached to the report for the purpose of showing any difference of opinion in the committee or the absence thereof; nor may the report be accompanied by any counter-statement, memorandum of dissent, or protest from any dissenting or non-assenting member or members; nor ought the committee to include in its report any observations which the minority or any individual member desires to offer, but which are not subscribed to by the majority; nor may a draft report which has been submitted to the committee, but has not been entertained by it, be printed as an appendix to the report.

• (1600)

We looked very carefully at the report we received. I think that all honourable senators will find that there is some slippage as far as what rule 98 requires. The parliamentary jurisprudence behind that helps us to understand what that rule means. It is clear that there has been a breach of order. That is looking at this situation from a process standpoint.

This is a good rule because it keeps us from being in the very difficult situation of examining a bill, arguing that it should be amended but, in fact, proposing no amendment. In the future, honourable senators, it would be better for our standing committees to stick to the letter of our rules and present reports either with amendments or without amendments rather than trying to fudge it and have it both ways.

Hon. Peter A. Stollery: Honourable senators, this is a very important point of order. It shows you how sloppy procedure can get us into difficulties. There is a long-standing tradition that there should be no add-ons or commentaries when a committee chair reports back to the chamber. The Deputy Leader of the Opposition is absolutely correct in what he has said. Once a report has been presented in the Senate, if honourable senators start adding to it and making commentaries, what they are in fact doing is fudging the report. They are not being procedurally correct. This is a long-standing procedural process.

The committee members did not propose an amendment. We can talk about that until we are blue in the face, but if they did not amend the bill, then that is the end of the matter. That is a fact.

I must say that I am extremely sympathetic to the argument made by the Deputy Leader of the Opposition. This is something that honourable senators should stop doing. Honourable senators read the Hansard or the minutes of the proceedings of the committee and what is said in those documents is added to what is supposed to be a report from the committee.

We must remember that we refer a bill to a committee because the Senate does not have the time to conduct a detailed examination. Some 100 years ago the House of Commons and the Senate did have time to perform that function. Now the Senate passes that task on to a committee of this house. The committees study the bills.

Procedurally, the committee either decides to amend the bill or not and returns it to the chamber. There is no place in this process for add-ons and commentaries. I have argued against this procedure in my own committee. It can become a very bad habit that will lead to time-wasting discussions. If no amendment is proposed then that is the end of the matter.

The Deputy Leader of the Government is quite correct in saying that no amendment has been put forward. The bill was reported without amendment, and that is the end of it.

Hon. Tommy Banks: Honourable senators, to be clear, I am not making my concluding remarks now since I am the sponsor of the bill, I am speaking on the point of order and in response to Senator Stollery and the Honourable Deputy Leader of the Opposition.

I am the chair of this committee. I also happen to be the sponsor of the bill. Thus, I wear two hats, as I have throughout the process. I was not the sponsor of the bill when I was the chairman originally. However, I kept it when I was made the chairman of the committee. I wish to respond to the suggestions about the impropriety that is suggested here.

I am a servant of the committee. In reporting the bill to this house, I reported it as I was instructed by the committee. I would hope that Senator Stollery would be aware that no committee of which I am a member will be constrained, so long as it determines not to amend a bill, from attaching observations by way of instruction and, in some senses in relation to this bill, notice to the government. That is part of what we do.

It has been said that this is a relatively new habit, but it is a habit. It is certainly not the first time since my appointment two-and-a-half years ago that observations have been attached to committee reports on bills. This bill is a complicated one. It has been bootled around in this building for over eight years, as honourable senators have heard interminably. The bill affects many people in many different ways. It is a bill about which the committee had observations and members wished to have those observations attached to the report.

I would point out a number of things with respect to this point of order. The bill was reported unanimously by the committee without amendment. The committee voted unanimously to attach these observations to the bill. The committee was unanimous in its approval of these observations to the bill and in their intent. There was no dissent; and there has been no fudging. These observations do not run counter to the bill.

I would refer, as I believe I must, to the matters that have been raised. We firmly believe that the passage of this bill will mark only one step in the work, and that future amendments to the legislation could address outstanding concerns and further strengthen it. We know that because the bill is a compromise, as are many bills. However, the committee was unanimous in wanting to pass the bill without amendment and in wanting to attach these observations to it.

The observations urge the government to ensure that the authority is invoked. That is the authority that is contained in the bill and, further, that it should establish and make public-specific criteria. Those will be in regulations that will attend to the bill, regulations that cannot be made unless the bill is passed. The observation is that there be detailed scrutiny of the operation during the mandated five-year review that is in the bill. None of those things can happen until the bill is passed.

The recommendation is that during the mandatory five-year review of this legislation consideration be given to other matters that have arisen with regard to the bill. However, it does not demure from the point of the bill. None of these observations demure from the fact that the bill should be passed now, without amendment, and that these considerations should be attached to it.

These observations urge the minister to use the provisions of the bill to ensure that these species receive attention. Nothing in these observations suggests that the bill is wrong or that the bill ought not to be passed now, or that the bill ought to be amended now. These are the observations of the committee.

• (1610)

They are unanimous; they are not fudging. There is no dissent from either the motion to pass this bill, which was unanimous, or authoring these observations, which was unanimous and in which every member of the committee participated. There was no dissent as to their being attached to the bill as observations to alert the government to concerns the committee had in the ongoing implementation of the bill, many of which arise from the fact that there is a mandated five-year review. There is a review for a reason. It is because this bill is breaking new ground. It is breaking ice. It will do things that have never been done before. The bill contains a mandatory provision that it be re-examined in five years. Our committee is saying, unanimously and without dissent, that when that is done, pay attention to these things.

Hon. Mira Spivak: Honourable senators, I want to talk about procedure. It cannot be true at one and the same time that this procedure is sloppy and yet, in the rules, that the observations contradict the intent of the bill.

In my time here, there have been many, many reports. I also must say, as I said when I spoke yesterday, that the observations reflect the uneasiness of the members about this bill. There is no question about that.

Since I was the senator who presented the report, I must take some responsibility. However, while there was no dissent in the discussion in committee on the observations, members were also unanimous and quite strong in pointing out all of the things in the observations.

Hon. Lorna Milne: Honourable senators, following my arrival in this place seven years ago, many bills have been reported back to the chamber without amendment, but with attached observations. Most notably, that happens regularly with the Standing Senate Committee on Legal and Constitutional Affairs. It is a common practice within this place, at least in the last seven years. I do not think that this practice is at all unusual or irregular.

The feeling in the committee was strongly in favour of reporting this bill without amendment. I do want to point out that the observations and my own speech in this place at third reading were intended as a guide for the regulations that will be drawn up and as an urging for future legislation that will build on this bill. There is no point of order involved here whatsoever.

Hon. George Baker: Honourable senators, I did not attend all of the committee meetings. I attended the first day.

Senator Spivak: That is an understatement.

Senator Baker: I was going to commend Senator Spivak when I rose.

Honourable senators, the members of the committee, from what I saw in the couple of meetings with witnesses that I attended, were concerned about certain provisions of the bill. Two senators, Senator Watt and Senator Adams, are very concerned that no compensation is included in the bill for someone who would have their livelihood taken away.

Honourable senators, Senator Spivak expressed her opposition in committee to the fact that there was no protection for the habitat of migratory birds. What I saw happen, which probably caused the committee do what it did to have Senator Spivak agree to pass the bill without amendment, was as follows. One of the first two witnesses who came before the committee was the former executive assistant to the former Minister of the Environment, whose name was McMillan, as I recall. That was either under Joe Clark's administration or the beginning of the Mulroney administration.

Senator Spivak: It was Elizabeth May.

Senator Baker: That was it, Elizabeth May. Three groups appeared at that moment. Following that, another group of people appeared.

Honourable senators, I am sure committee members will recall that on questioning by Senator Milne, two of the witnesses said this: We believe that if you amend the bill, it will not see the light of day.

Senator Spivak: I was not there.

Senator Baker: Those were witnesses, and Senator Spivak is nodding her head.

Senator Spivak: I was not there!

Senator Baker: Oh, I see. The chairman of the committee did an excellent job.

Senator Stratton: Was the chair there?

Senator Baker: On balance, when the committee drafted its report, it did an honest report.

Senator Spivak: But you were not there.

Senator Baker: I am trying to give a good excuse for you.

That is perhaps what happened.

The point is, honourable senators, nothing prevents amendments at third reading. As far as the procedural point is concerned, I would submit that the time to raise a procedural argument is at the time it first occurs or it first comes to the attention of the senator raising it.

However, honourable senators, under our rules, that amendment should have been made when the bill was reported.

Senator Kinsella: What rule is that?

Hon. Bill Rompkey: I wish to support Senator Banks and make two points. With regard to comments on any bill, this is a chamber of sober second thought. To suggest that senators have no ideas and should just accept government legislation as it is without thinking about it or commenting on it seems to fly in the face of what this chamber is all about. To say that there should be no comments at all is not in keeping with what we are supposed to be doing in this chamber.

There is a saying: Let not the perfect be the enemy of the good. This is not a perfect bill, but it is a new bill that breaks new ground, as Senator Banks has said. With all its imperfections, it is necessary. It is necessary to pass the bill now. As Senator Baker has said, there was testimony to the effect that if this bill did not pass now, then the aims and objectives of the bill, which are laudable, would not be fulfilled.

Those are two points to consider.

Hon. Charlie Watt: Honourable senators, I believe that I am speaking to the point of order and that I may still speak to Bill C-5 later.

Honourable senators, I have listened with great interest to what Senator Banks said because he is our chairman. I also listened with great interest to what the deputy leader had to say.

Let me begin by saying that these observations are not reservations. Our chairman mentioned that. I also heard the deputy chairman refer to an uneasiness. What is uneasiness? I was involved and participated in the deliberations on Bill C-5. I do not believe I missed any of the committee meetings dealing with Bill C-5. From day one, I made it absolutely clear to the members of the committee what my intention was and what I felt was wrong with this particular bill in relation to the non-derogation clause. That non-derogation clause has been interpreted slightly differently from the way it reads in section 25 of the Constitution. After all this debate, I am beginning to wonder if this is unconstitutional.

• (1620)

I say that because I put forward a clear message to committee members, not only verbally but in writing, stating that I was having a great deal of difficulty with the three additional words that were added and that do not appear in section 25 of the British North America Act. Therefore, there is a slightly different interpretation between the two. Perhaps it was deliberate on the part of the Department of Justice. They have invented these three additional words that they have added to the non-derogation clause. I felt that that should be corrected in this bill, and I was absolutely clear about that to the members of the committee.

For that reason, perhaps the opportunity to amend the bill and to make that correction has not disappeared.

I, for one, did not fully participate when committee members were going through the observations. As honourable senators know, Senator Sibbeston walked out during the proceedings. I left shortly thereafter, which was before the observations, not reservations, were concluded, because I felt uneasy.

[Senator Baker]

Senator Spivak: Honourable senators, might I ask a question?

The Hon. the Speaker: No, Senator Spivak, you may not. We are on a point of order, not in debate.

I was about to observe to Senator Watt that when the bill is under third reading consideration he may speak to it and move amendments at that time, if he so wishes.

What we are now talking about is the point of order raised by Senator Kinsella, which, as I understand it, is that the report of the committee, without amendment, and its observations are contradictory and as such whether it is in order for us to proceed with the report in that form.

If he wishes, I should like to give Senator Kinsella time to respond. There have been a number of interventions. However, I should like to conclude this matter, if I can, fairly quickly.

Do other honourable senators wish to speak on the point of order?

Senator Watt: With all due respect, honourable senators, I feel that I need to get to my destination with as little interference as possible.

I realize, honourable senators, that this is a point of order. Before I began to elaborate on the matter, I clearly asked if we were dealing with a point of order. The answer was yes. Therefore, I am not speaking on the bill itself at third reading. I reserve my opportunity to speak at third reading.

I, too, made observations to the report, although not in the same text as the committee's. I forwarded my observations last week to the committee clerk and to the committee. I hope those observations form part of the report about which we are now speaking. If that is not the case, I can furnish those observations to honourable senators.

The Hon. the Speaker: If no other senator has an intervention, I should like to thank honourable senators. I wish to read the report and to consider the references to authorities that have been made in the course of these interventions. I shall bring back a ruling on the point of order tomorrow.

As this point of order speaks to Bill C-5, I do not believe we can now resume third reading debate.

KYOTO PROTOCOL ON CLIMATE CHANGE

MOTION TO RATIFY—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Banks:

That the Senate call on the government to ratify the Kyoto Protocol on Climate Change,

And on the motion in amendment of the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator Murray, P.C., that the motion be amended by substituting for the period after the word "Change" the following:

"... but only if, after the Senate has heard in Committee of the Whole from all federal, provincial and territorial government representatives who wish to appear, the Senate determines that there is a substantial measure of federal-provincial agreement on an implementation plan."

Hon. Mira Spivak: Honourable senators, last June in this chamber I spoke in favour of the Kyoto Protocol. At that time, I was speaking on the motion introduced by our former colleague, the Honourable Senator Taylor.

In the intervening months, the fundamentals have not changed — the CO₂ emissions, their impact and the fact that delaying action only increases the costs. These basics are constant.

I sincerely wish that we had more provincial support for ratification. In recent months, it has weakened. There are three provinces, including my own Province of Manitoba, Quebec and Prince Edward Island, and three territories that want ratification, despite their reservations. Another three, or perhaps four, provinces accept it as inevitable. Recently, two provinces, British Columbia and Newfoundland, have crossed over to join Alberta, the only province to vehemently oppose it for many months and the province that until last May co-chaired the federal-provincial process.

With the greatest respect, to say we should not ratify the protocol until all provinces agree is tantamount to saying that we will, perhaps, never ratify it.

In this chamber, we have a particular responsibility for national considerations and to speak to the interests of the people of the provinces and territories we represent. Since my province supports the protocol, and has supported it from the beginning, I feel I am doing my duty in supporting ratification.

An impressive majority of Canadians want the protocol ratified. A poll last month put the number at 78 per cent. A more recent poll, although it is down from that number, shows that a majority still supports the Kyoto Protocol. That 78 per cent was the same percentage that supported ratification nine months ago, before the public relations war began. Yes, they would like the provinces in agreement, but even in Quebec 53 per cent of the people were supportive.

Last month, a poll found that only 26 per cent of Canadians agree with critics who say that implementing the protocol could mean major job losses. In Atlantic Canada, Central Canada and British Columbia, at least 40 per cent of the people think that Kyoto will boost employment. I believe they are not wrong. In Europe, generally, they started a long time ago, and they have found increased prosperity and increased jobs as a result of looking forward and putting in place and implementing certain measures that support the reduction of greenhouse gases.

Even under our own government plan over the next eight years, it is predicted that job growth will proceed at a healthy pace. This has been repeated many times.

I will not repeat the many points I raised last June that had to do with the science and impact of doing nothing, although I would point out that, most recently, scientists are suggesting that the glaciers will disappear within a very short time — in fact, within 10 years. As well, there have been some scientific studies that suggest that, while we think climate change might be incremental, it might indeed just suddenly tip over and we could have runaway inflation.

In any event, if we do nothing, we are definitely headed toward double the emissions of greenhouse gases. We cannot stop that, and that is very unfortunate. However, if we do nothing, we will be heading towards three times the number of greenhouse gas emissions that we have now, and that would truly be a disaster.

• (1630)

Honourable senators, I want to face the seeds of doubt that opponents have sown throughout the summer and fall. One of those weedy crops is labelled "uncertainty" — the nemesis of industry, business and governments alike. Opponents say that government has no implementation plan. No plan equals immense uncertainty and immense uncertainty equals economic disaster. The government, we are told, is pushing us into an uncertain future in blind haste. However, 10 years have passed since we signed the United Nations Framework Convention on Climate Change, 1992, under the government of former Prime Minister Mulroney. Five years have passed since we signed the Kyoto Protocol. In the last four years, the federal government alone has spent \$22.3 million on consultations — largely with the provinces and industry.

Provincial energy and environment ministers, in fact, called for ratification of the climate change convention within months of its signing more than 10 years ago. Then they sat down as the group that became known as the Joint Meeting of Ministers of Energy and Environment, JMM, to discuss implementation. After the Kyoto meeting, first ministers agreed to create the National Climate Change Process and directed their ministers to take part. In May 2000, the joint ministers agreed to the elements of a national implementation strategy, and they agreed that the federal government begin to work on a draft plan. Only last May, when it was apparent that the federal government was seriously working towards implementation, having revealed its four options, did the Alberta government withdraw as co-chair of the process? It proposed that we start from scratch. I am not complimenting this government on the speed and the intelligence with which they worked towards implementation, but I am addressing the argument that claims first ministers and energy ministers were not involved. That is patently not true. People could be highly critical of the implementation plan, as suggested now, because it will not do what the Kyoto Protocol was supposed to do. Rather, it will be a faint and timid step. I really do not understand the argument because I think the Kyoto accord now is a paper tiger. Nevertheless, I think it is important to have a beginning.

National Post columnist Andrew Coyne made an interesting observation a few weeks ago. He said that Kyoto Protocol critics are right that under the government plan, the costs of implementing the protocol are almost certain to be much higher than they need to be. The reason, he suggests, is that critics have been stampeding the government into a plan that:

...shifts much of the costs away from the industries that are responsible for most of the emissions and onto the general public. Who knows — that may even have been the point of the exercise?

The plan, released November 21, as Mr. Coyne predicted, is not the least-cost option among those laid out last spring — the cap-and-trade option for large industrial emitters of greenhouse gases. No, the current plan is to subsidize producers to reduce their emissions through government-industry cost-shared investments. As Mr. Coyne observed:

...subsidizing producers to reduce their emissions is a particularly inefficient approach — instead of making firms pay for every megaton they emit, the general public is forced to pay them for every megaton they do not emit.

In fact, the ratio will be about five to one. We will expect them to reduce 55 megatons on their own and pay them to reduce another 11 megatons with government dollars. While I may not agree with every part of the plan, I certainly do not agree with that. There are a few things that are worthwhile such as the proposal to increase ethanol-blending to 35 per cent of the gasoline supply; the proposal to produce 10 per cent of new electricity from such renewable energy sources as wind power. Instead of debating whether the plan exists, we should be debating its components, and I would suggest that be after ratification.

The second level of criticism holds that much of the plan is expressed as targets or goals. Therefore, we must wait until we have implementing legislation — if there is to be legislation — before we give our consent. Certainly, the devil is always in the details. That argument, however, did not prevent us from ratifying the Convention on Biodiversity, which we signed 10 years ago. We ratified that convention without an action plan, without prior notice of budget measures, without discussion papers, without more than 23 million dollars worth of consultations and without an implementation plan. Ten years later, we have implementing legislation on the biodiversity convention; it is Bill C-5, in respect of species at risk. We have examined the bill in our Energy, Environment and Natural Resources Committee. One could say that it is also a paper tiger.

Does Bill C-5 tread on the toes of the provinces and territories? Absolutely not. It protects endangered species on federal lands. For the rest of the species, there is the “safety net” of provincial and territorial action. The government reserves the right to act if a province fails to do the right thing. However, the reality is put before the committee. In environmental matters, the federal government almost never steps in when the action or the inaction of a province causes harm beyond its borders.

There are three or four statutes in the environmental field such as the Canadian Environmental Protection Act, CEPA, and the

Clean Air Act, CAA, for which the government has never used its authority in 31 years. The CEPA is particularly significant because it has been touted as best suited to do the job on climate change.

We will see legislation amending CEPA or other acts. I have no inside track but I do know, however, that the ratification of the biodiversity convention did not prevent a prolonged, fulsome and impassioned debate, including amendments, on the species bill, at least in the other place.

Another seed of doubt concerns potential sanctions and penalties. Opponents suggest that if we ratify the Kyoto Protocol then fail to meet our commitment, Canada will pay a heavy price. It is true that there will be a penalty for failing to reduce our greenhouse gas emissions to 6 per cent below our 1990 levels of emissions. It will not be easy precisely because we have wasted 10 years and allowed emissions to rise 19.6 per cent above the 1990 base line. If we do not realize our commitment as we ratify the treaty, what will happen? We will not have to pay millions to other parties to change our laws, in the way that NAFTA Chapter 11 has forced us to do; we will not be subject to trade sanctions that shut down our resource industries; and we will not even be drummed out of the Kyoto club.

The worst penalty for failing to meet our 2010 commitment would be our promise to try harder next time. Whatever shortfall we have, let us hope it will be as little as 10 megatons, must be made up in the reporting period, which begins in 2010, and then add 30 per cent. We would have, in that example, another 13 megatons to add to our next commitment. The other harsh penalty would be that Canada could not sell in an international emissions trading program, and that we must develop a plan for meeting the next commitment. Those are the so-called “teeth” of the protocol — baby teeth at best.

The third and final seeds of doubt are also the seeds of denial. The not-so-subtle message is, “don’t worry, be happy.” It makes no difference whether Canada ratifies the Kyoto Protocol. Canada accounts for only 3 per cent of the Kyoto emissions. If we ratify it, but Russia does not commit to reduce its 17 per cent share of emissions, the protocol does not come into force. If Russia does ratify it, however, Canada could make the crucial difference. Our support could be the difference between a global agreement that has enough countries behind it to come into force and a protocol that stops dead. It is in our interests to have a protocol that also requires other countries to act. As a northern country, we bear a disproportionate share of the early impacts of climate change. We are already beginning to feel it, and our colleagues from the North have already told us many times what the impact is.

• (1640)

Let me speak only to the impact in my province. In western Hudson Bay, ice breakup is occurring two weeks earlier, on average, than it did just 20 years ago. Our polar bears are getting lighter and they are having fewer cubs. Our Red River flood of a few years ago was a warning of more natural disasters to come, if we hold with business-as-usual. Flooding in the spring, drought in the summer, that is what we can expect.

Last summer, as honourable senators know, Western Canada had a severe drought that cost billions of dollars and saw shipments of hay rolling west. Less rain in summer and higher temperatures will also mean less water for hydroelectricity, the key energy source in our province. That would have an impact on the glaciers: No glaciers means no runoff.

Our boreal forest will not march north as temperatures rise. Our northern regions lack the soil. Our people in the North will face thawing permafrost that puts buildings, roads, railways and pipelines at risk. Already, they face problems in maintaining winter roads.

The Hon. the Speaker: Senator Spivak, I rise to advise you that your 15 minutes have expired.

Senator Spivak: Can I have just two minutes.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Spivak: Honourable senators, either we alter our impact on the atmosphere or the atmosphere will alter its impact on us. That is the choice. We can make the affordable adjustments now, or we can pay the immensely higher costs of huge impacts in the not too distant future.

As I said last June, it is time to ratify Kyoto. For the sake of today's generation, not just future generations, it is the time to make a national effort to reduce our greenhouse gas emissions. It is time to stop the federal-provincial discord, to bury bogus arguments and to begin our energy future.

The Hon. the Speaker: Would you take a question, Senator Spivak?

Senator Spivak: Yes.

Hon. Wilbert J. Keon: Honourable senators, let me congratulate Senator Spivak on the enormous effort she has poured into this whole field. I fully support the initiatives of the Kyoto Protocol. However, I have a major concern that this is not properly balanced with an investment in science. For example, we do not have any research in Canada into cold fusion. If cold fusion came along the way some people suggest it could come along, fossil fuels would be obsolete in 10 years. We would not pay to take gas or oil out of the ground, and the only effluent in cold fusion is helium, which is harmless. That is just one example. There are other endeavours that we are not pursuing.

In our enthusiasm to ban fossil fuels, we are losing sight of some of the more important things we should be doing. Let me ask you this: If, in the deliberations that you have been so enthusiastically a part of, has there been any balance injected into the discussions about this?

Senator Spivak: Honourable senators, I have not heard about cold fusion. Let me say that I think we have wasted a lot of time. I cannot congratulate this government on what it has done so far; however, I think that it is important to ratify the protocol.

As to alternative energy sources, the Pembina Institute for Appropriate Development, for example, has a detailed list of

what should be done in terms of looking at alternative energies and what is actually possible. It is a practical kind of plan.

The Standing Senate Committee on Energy, the Environment and Natural Resources went to Paris. There we were told that the world consensus is that fossil fuels are on the decline. However, it is always said that we will find new sources. Nonetheless, they were quite emphatic that we have a 50-year horizon. Companies such as Shell Canada and TransAlta have already taken steps, going back some years, to look at alternative sources of energy. In many ways, some industries, though not all, are ahead of the game.

I must also say that we are not in favour of banning fossil fuels; far from it. Based on the government's plans, it appears that we will not be banning fossil fuels. It is unclear what the end result will be.

I have not heard any discussion of cold fusion. Our committee, as Senator Banks knows, will be looking at the Kyoto Protocol, and that is a subject we will enthusiastically take up.

Hon. A. Raynell Andreychuk: Honourable senators, I appreciate that Senator Spivak is very committed to the environment and to the Kyoto Protocol, as I think are most Canadians. The dilemma is whether, in fact, it will help or, indeed, save the environment.

Does Senator Spivak know why the European Community, and now the Russians, are so insistent that Canada maintain not the negotiations leading to the Kyoto Protocol but the integrity of the final words that were hammered out on the final day?

Senator Spivak: Honourable senators, I do not know what those words are, therefore, I cannot comment on that.

I do not think that the Kyoto Protocol will save the environment. The Kyoto Protocol is a minor first step. It is important, because it is symbolic in that it means that the countries of the world will work towards something. However, according to most scientists, emissions will have to be reduced by 50 per cent to make a real difference. I do not know what those words are. I am not familiar with them.

Senator Andreychuk: Is the honourable senator aware that the reason the European Community is committed to this credit system and to the targets afforded them is that, in fact, they were already in a position to have to close down all of the industrial complexes of the former Soviet Union and, particularly, in East Germany? Consequently, the actual effect on their economy and resources will be much less than it will be in Canada, because they were going to avail themselves of the poor economic and industrial structures of the former Soviet Union and the satellite countries along the border.

Already, the European Community has had the benefit of Margaret Thatcher's closing of all of the coal plants, so they were in a good position to accept their targets with all the preplanning they did.

As well, an inordinate amount of aid will be going to Russia from Europe, and this will now be factored into this credit system.

Is the honourable senator aware that that puts Canada at a disadvantage and really does not help the environment?

Senator Spivak: Honourable senators, I am aware of all the facts that the honourable senator mentioned. However, under the Kyoto Protocol, there are a number of things that every country can do, and Canada can set its own course. There is no doubt, however, that the Europeans were much smarter about this, I guess, than the Canadians, because they had this advantage. However, Canada can set its own course. There is nothing in the Kyoto Protocol that specifies that Canada must do certain things. Canada, in fact, under the Kyoto Protocol can have a made-in-Canada solution.

Hon. Herbert O. Sparrow: Honourable senators, I have a couple of questions. First, the Minister of the Environment has stated publicly that there would be no cost to the consuming public.

Senator Spivak: I do not think he said that.

Senator Sparrow: He said that in front of me, in fact.

Since then, in the last few days, they have been discussing the implementation of caps and so on. However, that was a statement by the Minister of the Environment. I would like the honourable senator's comment on whether there is any validity to her belief regarding that.

Second, the honourable senator did say there would be an increase in employment or jobs. There is a belief out there that there will be a decrease in employment. That is a rather crucial point. I cannot decide whose side I am on, or who I believe in this regard.

My last question relates to the fact that the government can enter into the Kyoto Protocol without coming to Parliament with an international treaty. The question for the honourable senator is: Why is this issue being raised in Parliament? Is it possible that this issue is being brought to Parliament so that when it is proven to be unsuccessful, the government will be in a position to blame Parliament for the action taken?

• (1650)

Senator Spivak: Honourable senators, I like the way that Senator Sparrow asks and answers his own questions. I am not privy to the inner secrets of the cabinet, so I cannot answer why they did this. However, there is no question that consumers will have to take their share. Much of that is in regulation.

We already have legislation to make cars, trucks and sports utility vehicles more energy efficient. I have said before that if SUVs could get three more miles per gallon, the United States would not have to import oil from Saudi Arabia.

Therefore, there are many smart things to be done. It just takes guts.

I have forgotten the third question.

Hon. Roch Bolduc: Honourable senators, I wish to ask a simple question as a guy who does not know much about these things. If

Canada ratifies the Kyoto Protocol, what will be the economic impact on Toronto as compared to Cleveland, Buffalo and Rochester, for example? The Americans will not approve the accord.

Senator Spivak: Forty-two states in the United States have all kinds of provisions. In fact, many of the states are ahead of us in terms of reducing emissions.

Toronto has reduced its emissions by 20 per cent already. I do not think that the impact on Toronto will be excessive because they are well on the road. In fact, the Association of Urban Municipalities has done all kinds of things in various cities, and they are quite resilient and open to all sorts of implementations. I sometimes think that we should cancel provincial governments and just have municipal and federal governments.

Hon. Marcel Prud'homme: Honourable senators, I will not speak about Kyoto, but if there is a vote, I will probably vote against it.

The honourable senator said in her speech that there comes a time when central government must act. I belong to another school of thought. Canada is a federation, and in order to function well as a federation, all the partners must be happy.

I come from the province of Quebec, and notice that I did not say that I am a Quebecer. I am a French Canadian from Quebec. I know that people in Quebec have profited highly in tough times thanks to the generosity of Alberta in the old days.

We were beneficiaries in Quebec, and we did not share our water with people who might have needed it. Is not sharing and listening to each other the essence of a federation?

I realize that one of our major economic partners, Alberta, with Mr. Klein, is happy at the moment for a number of reasons. Is it not the essence of a federation to ask for more patience with each other so that at the end of the day we may harmoniously come to what our hope was at the beginning of the day? In other words, the time has come to act because the federal government has spoken.

I am extremely patient, which is why I am a federalist. I can wait for the end of the day to have my say, but I will not refuse to take my responsibility. What is the honourable senator's definition of the Canadian federation?

Senator Spivak: Honourable senators, I absolutely agree with Senator Prud'homme that there must be cooperation and collaboration. That is what our country has been about.

However, the honourable senator must remember that Alberta is experiencing the worst drought in their history. They are aware of the problems of climate change. They are worried about their oil industry. Those issues will have to be ironed out when the implementation legislation is actually adopted.

Honourable senators, Alberta has been the co-chair of the consultation process for the past five years. They have been at the table. They will have to come to an agreement eventually, because that is the Canadian way. We compromise.

Hon. Francis William Mahovlich: Honourable senators, I have a question for Senator Spivak. I read somewhere that Professor Oppenheimer, one of the great science professors in America, stated that the longer America waits to get on board, the more it will cost. Does the honourable senator think that it will take another catastrophe to get them on board. Is that why they are waiting?

Senator Spivak: Honourable senators, it depends on which level of government is being examined. California, for example, has been on this case for a long time, as have many other states. Unfortunately, the administration of the United States seems to be largely composed of retired oil executives.

Honourable senators, I now remember the question of Senator Sparrow regarding jobs. I did not say that there was an increase in jobs; I said that Europe has experienced a huge increase in jobs. The government predicted in one of its statements — perhaps its view is now different — that there would be an increase in jobs.

Hon. David Tkachuk: Honourable senators, could Senator Spivak inform the chamber of the position of the Democratic Party in the United States on Kyoto?

Senator Spivak: Honourable senators, I am not sure what the Democrats' position is. I am aware that the potential leadership candidates, former Vice-President Al Gore and Senator Joseph Lieberman are staunch environmentalists. I would suggest that they probably hold the same point of view as the previous administration. Honourable senators will remember that Vice-President Gore saved the Kyoto accord.

Senator Tkachuk: Honourable senators, is it not true that even though Vice-President Gore and President Clinton supported the concept of Kyoto, they also knew that in Congress all but one senator would vote for the accord and that probably two thirds of the House of Representatives would vote against the accord? Honourable senators should be aware of that. It is not just the oil executives who oppose the accord. The Democratic Party and everyone else in the United States opposes the accord.

Hon. Lorna Milne: Honourable senators, I rise this afternoon to spend a few minutes urging all senators to vote in support of the motion calling for the ratification of the Kyoto Protocol. As honourable senators heard, if you were listening to my speech in reply to the Speech from the Throne, I genuinely believe that this is one of the most important issues facing Canadians today. Climate change is real and measurable. It is having effects on Canada right now. This is a fact, and I urge each honourable senator to understand how I have come to this conclusion and why we need to act now.

• (1700)

It is important that honourable senators understand my personal perspective on this issue. I do not like to talk about myself, but in a previous incarnation I was a scientist. That was my background and my education. Not only did I lecture in the Department of Physics at the University of Guelph once upon a time, but also I taught a course on meteorology, the climate. I understand all too well both the strengths and weaknesses of the scientific method, and I understand how scientists can argue about various hypotheses.

As a scientist, I can tell honourable senators that the earth is warming and humans are part of the cause. That issue has been debated for years in the scientific community and a consensus has been reached. In the scientific community, there is always someone who can argue for or against a position. You can find a scientist to argue for or against a scientific position as easily as you can find lawyer to argue both sides of a point of law. However, in the mainstream scientific community, there is no debate. Honourable senators have probably seen the ads that list Nobel laureates and scientific organizations that say global warming is real; it will have destructive effects; and it will take a long time to fix the problem.

The time for action, as Senator Spivak has pointed out, is now.

What will some of the effects be? If we look, we will find the effects of global warming everywhere. Measurements of the polar ice cap, taken this September, show it is both the smallest in area and the shallowest ever reported. In the last 24 years, the polar ice cap has shrunk by 400,000 square miles. In Greenland, there are peaks 6,500 feet high where the ice is melting. This is the first summer ever that ice has melted in these areas.

If honourable senators wish to see Canada's glaciers, do it soon, for they are vanishing. The United Nations Intergovernmental Panel on Climate Change has predicted that the mean surface temperature of Earth will rise between 1.4 and 5.8 degrees Celsius by the year 2100 and sea levels may rise by two feet or more in some areas. These are almost catastrophic changes. As Dr. Richard Alley, former chair of the American National Research Council's panel on abrupt climate change noted this weekend: "If there is one thing we are almost positive of, it is that nature never does anything smoothly."

Last week, the Agriculture Committee heard a presentation of what will happen in this country as a result. Scientists from Laurentian University in Sudbury outlined how the treeline will move northward. The climate will warm up and new species will migrate northward in Canada. They are already doing that.

That all sounds great until you understand what it means. Potential predators of Canada's northern species will also creep north. This will cause chaos for a time in our ecosystem of the North, in particular, as the old species die off due to increased predation and a less favourable climate. New dominant species will eventually merge after what can only be described as a Darwinian struggle. No one can predict the consequences that this will have on life in this country. It will likely result in the extinction or extirpation of many Canadian species.

One of the biggest changes in our climate will be increased precipitation in this country. Again, I will draw on some ideas that were presented by the professors from Laurentian University. They note that precipitation will decrease overall in Canada as the climate warms up. They also note that what precipitation does fall will likely come in shorter bursts of greater intensity. There will also be less groundwater due to greater and faster surface evaporation. Snow will, on average, come later in the year and will leave earlier. Again, this might not be too bad on a theoretical level, but what does it mean practically?

In Southern Ontario, my own area, temperatures in the winter now average or hover just below the freezing mark, at around minus 2 to minus 4 degrees. As time goes on, however, more of our daylight hours will be spent with temperatures around plus 2 to minus 1 degree. This will be combined with precipitation that comes less frequently but with more intensity, in the form of snow, ice, sleet, slush and freezing rain as temperatures hover above the freezing mark. If that is not a recipe for the kind of ice storm that moved through this area in 1998, I do not know what is. Do we want to be faced with continuing disasters of that magnitude every year in Canada?

In addition, honourable senators, much of the groundwater that Canada's farmers rely on in the growing season falls as snow during the winter. I am sure I do not have to tell Senators Gustafson, Andreychuk or Sparrow how devastating it can be to farmers in Saskatchewan when there is insufficient snowfall. Global warming is a perfect recipe for short winters that will create dust-bowl conditions on our Prairies. Once again, I am compelled to ask: What are we willing to risk? What risks are Canadians willing to take? Winters that are one week shorter, or two or three? When will we cross the climate change line that will eliminate our freshwater sources that are dependent on snowfall?

Honourable senators, the effects of global warming on Canadian agriculture will be disastrous, particularly in the West. I have heard predictions that agriculture in central Alberta is doomed, that it will be a thing of the past. The amount of irrigation necessary to grow a crop in central Alberta will cost more than the market value of that crop.

I remind honourable senators that agriculture is the second largest sector of Canada's economy. One in seven jobs in Canada is based on agriculture. It is vital to our economic well-being.

We must, as a society, admit that the concerns are real, the science is sound and there will be repercussions to inaction. Each and every person who says the science is not sound must be willing to accept the consequences when they come. They must be willing to admit that they are a risk-taker and are ready to gamble Canada's ecosystem on science that does not successfully withstand peer review.

The key decision we must make is what to do about carbon dioxide emissions that are contributing to global warming. I remind honourable senators, as Senator Spivak did, that CO₂ emissions are just a part of the greenhouse gases that are contributing to global warming.

At this point, I will address Senator Lynch-Staunton's amendment that the Senate not proceed until it has heard from provincial and territorial representatives. In Senator Lynch-Staunton's opinion, the provinces and territories have not been sufficiently consulted on the issue. Along with Senator Spivak, I believe that the provinces and territories have already been extensively consulted. There is already broad agreement on potential solutions to 9 of the 12 points raised by the provinces.

This year alone, the federal government has heard from 186 representatives of provincial governments in stakeholder meetings leading up to this debate in both Houses of Parliament.

The Minister of the Environment has met both collectively and individually with all of his provincial counterparts. On at least two occasions in November, Minister Anderson was fully prepared to sit down and further negotiate with them and the provinces cancelled both of those meetings.

All of this is in addition to the hundreds of meetings that the government has had with leaders of industry, business and NGOs across the country. To say that there has been insufficient consultation is absurd.

Honourable senators, the motion that is being proffered by Senator Lynch-Staunton seems to contemplate that, if this motion were to be adopted by the Senate, all consultation with industry groups and provinces would cease. That is not true. Let me be clear about what the government has decided to do. The government is stating that there has been sufficient debate in the country on this subject. We must start to tackle the global warming problem and reduce the CO₂ emissions to 1990 levels, less 6 per cent.

The Kyoto commitment binds Canada to a goal, not to a specific course of action. The government has indicated on innumerable occasions that it will be necessary for further legislation to implement a scheme to take us to that goal. We have 10 years to get there. The details of how to achieve it will come before Parliament for full debate. The Leader of the Government in the Senate has stood in her place here in this chamber and said exactly that. By ratifying the accord, we will put pressure on all Canadians to get the job done. I like pressure and deadlines. It forces people to think and to act. We need that kind of motivation on climate change because the voluntary approach has not worked.

To be fair, I cannot blame honourable senators for wanting more information on how this will affect the day-to-day lives of Canadians before signing on to the accord. Concern about our economy is certainly a justifiable position.

• (1710)

Honourable senators, I have looked at the original estimates of the costs, and I believe they are manageable. I believe the Canadian economy will still continue to grow through this time and may even grow more quickly as we achieve the Kyoto targets.

On the other hand, there may be some bumps along the road. The oil and gas sector may not grow as rapidly as it otherwise would, but it will still grow. We will certainly see some short-term fluctuation in the spot prices for oil, natural gas, steel and other commodities. However, in the long run, upward pressure on these prices from Kyoto will not be anywhere nearly as large as the normal economic pressures that are present in the world today.

The potential impact on Canada's economy is small enough that it is less than the margin of error of the long-term predictions for our economy. In other words, implementing the Kyoto accord will have less negative effect on the Canadian economy than American monetary policy now does. A downturn in the Asian markets or another currency crisis like they had in Mexico and Brazil in recent years has far more potential for negative

economic effects. Kyoto will become just one more pressure among many. It will certainly not be the dominant economic force some are predicting. Most models show that it will affect less than half of 1 per cent of our potential economic growth in total, spread out over 10 years.

I believe that those who are screaming about the negative consequences to Canada's economy if Kyoto is implemented are presenting Canadians with a false set of opinions. Kyoto's opponents are trying to tell us that our choice is between unfettered economic growth and the sacrifices that need to be made to implement the Kyoto Protocol. That is not the choice we are faced with.

I opened my remarks on this issue by outlining the impact of continued global warming on our planet. The real choice we are facing is this: Do we wish to implement Kyoto and perhaps slightly slow down economic growth, or do we want to roll the dice and hope we do not face what the scientists agree will be disastrous ecological consequences? That is the real choice.

As I told honourable senators at the outset, the science on this matter is sound. I truly believe that we are facing devastating ecological consequences. Kyoto may not, as a first baby step, be able to stop that process, but we must try.

Honourable senators, we are just stewards of this planet. It is not our right to roll the dice on our planet's ecology. I urge us all to understand the real choice we are making on this issue. I urge all honourable senators to realize that greater damage can be done by destroying our ecology than by slightly slowing the growth of a red-hot economy.

I believe we must get on with implementing Kyoto now. I remind honourable senators that this protocol only covers one small issue, that is, CO₂ emissions, one of the many gases causing global warming. It is a major one. We have a lot of work to do to save our planet, and CO₂ emissions are just the tip of a rapidly melting iceberg. I urge all honourable senators to support this protocol, for the sake of our children and grandchildren. If we do not, they will curse us.

The Hon. the Speaker pro tempore: Will the honourable senator accept questions?

Senator Milne: I will.

Hon. Leonard J. Gustafson: Honourable senators, I have listened to the speech. On my farm, I had oil producers looking at drilling a new site. I realize there are certain related problems. On the other hand, Western Canada will pay a big price on this.

I have not heard anything about personal sacrifice. North Americans are the worst abusers of energy. Just take a drive through any city. Granted, I have lights in my home. Also, look at how much gasoline is consumed to drive the many miles we all drive. I have heard nothing about these aspects.

One of the scientists who appeared before the Agriculture Committee told us that if we think we have problems now wait until the lights go on in India and in other countries.

Would the honourable senator comment on the suggestion that although Canadians may want to ratify the Kyoto Protocol they do not want it to affect their day-to-day lives.

The Hon. the Speaker pro tempore: Senator Milne, I must inform you that your time for speaking has expired.

Senator Milne: Honourable senators, I would ask leave to answer this question.

The Hon. the Speaker pro tempore: Is leave granted?

Hon. Senators: Agreed.

Senator Milne: I thank Senator Gustafson for his question. We will all have to look around our houses for ways to improve energy efficiency. Many of us will have to insulate our houses better than they are now. Many of us will have to replace our windows and doors. Many Canadians may replace their automobiles. Senator Spivak pointed out that just three miles more to the gallon in the United States would allow the country to be able to get away without importing any oil whatsoever from Saudi Arabia. Small changes made by a large number of people can make an enormous difference and have an enormous effect.

In agriculture, which is the second largest economic driver of Canada's economy, the negative effects of not doing anything will be far worse. If everyone makes small sacrifices, it will make a vast improvement.

I have a lot of time for Canadian ingenuity. I know that many of the oil companies are already working on energy-saving approaches. Putting alcohol in gas, which burns to create water rather than the various and assorted chemical soups that add to the atmosphere, particularly around Toronto, will make a tremendous difference. That also will help agriculture.

I see a climate change that has started. Unless that is reversed somewhere down the road, we will find ourselves in big trouble. One of the problems with carbon dioxide, of course, is that the molecules are so light they stay in the air for maybe 100 years. It is not like sulphur emissions, which wash out of the sky with the next rain or two because they are large, heavy molecules. Carbon dioxide is light and stays in the atmosphere for a long, long time. It will take a long time to get rid of it.

Senator Keon talked about cold fusion. Cold fusion would be a wonderful thing, whenever and if ever it does happen. Thus far, it is a shimmer on the horizon that constantly recedes as we draw closer.

Senator Gustafson: Scientists have us confused. On the one hand, Monsanto is telling us that we should use genetically modified grain and Roundup, which kills weeds, thereby leaving the moisture in the soil for the plants. Other scientists tell us that that is a bad direction in which to go and that we must not go there. Certainly, the community at large is very concerned and somewhat confused as to what to do.

Senator Milne: Senator Gustafson is quite right. The agricultural community hears opposing views as to whether to use Roundup-ready crops and, therefore, not have to spray. Doing so would save all the chemicals that go into those sprays from being used, in addition to preventing weeds from using moisture out of the ground. On the other hand, market forces are making genetically modified crops more and more unsaleable. Agriculture is in a real dilemma about this, and I do not have the answers.

Senator Tkachuk: Honourable senators, I am happy that we have a scientist here, because I need a significant amount of help with Kyoto. I am sure that the climatologists and scientists are talking about the effects, or the alleged effects, as I like to call them, of CO₂ on the climate of the earth.

• (1720)

Perhaps the honourable senator could tell us if there have been any studies done on the effect this will have on the automobile industry. We hear about sports utility vehicles being bad, which is not true at all. An SUV uses the same amount of gas as a minivan, with the exception of the huge ones rich people drive.

What will this mean to industry? Have any scientific studies been done as to what degree carbon dioxide will be reduced? How will it affect the oil industry? We do not have any of this information in front of us. The government has not tabled any of it. We are acting with very bad information.

On the information the government has provided us to date, would the honourable senator make a scientific deduction on Kyoto?

Senator Milne: Honourable senators, I have made my deduction. I have listened. I have heard. I believe that Kyoto is absolutely necessary. It may even be too little, too late, but we must start somewhere.

As to the other points the honourable senator mentioned, certainly the car manufacturers are way ahead of us. In an effort to reduce the amount of gas used, many car manufacturers are going to dual-drive vehicles that operate on electricity when they stop at a stoplight and then the gas kicks in when they go down the highway.

As I said to Senator Gustafson, adding alcohol to the gas that is burned in SUVs will probably do the difference.

Senator Tkachuk: I understand what the honourable senator is saying. Senator Milne is a scientist.

Senator Milne: I was.

Senator Tkachuk: She has the ability to understand the material. We are here as representatives of the people and have listened to experts before. I remember all the experts on the GST. I remember all the experts on the firearms bill. I remember the experts who told us, "You should listen to us because we are the experts and we are smarter than all you people." We have an expert in the Leader of the Government in the Senate who tells us that no one should own guns.

Does the honourable senator believe that we are adequately prepared to make this decision? I am not referring just to Senator Milne herself. Does she believe that all honourable senators are prepared? Has the government provided the scientific, economic and technological information that parliamentarians need to vote on this matter in a knowledgeable way? Does the honourable senator think that the government has provided the same information to the House of Commons, or is it just a whip vote we will see tomorrow?

Senator Milne: I should inform Senator Tkachuk that the vote has already happened in the House of Commons and the Kyoto Protocol passed by over 190 votes for to 77 votes against.

Some Hon. Senators: Hear, hear!

Senator Milne: If the honourable senator had received the same amount of material across his desk as I have received across mine — it is a pile 10 inches high — and if he had read it, he would know far more than I.

[Translation]

Hon. Joan Fraser: Honourable senators, I have already talked about the Kyoto Protocol during the debates on the Speech from the Throne. I will not try your patience by repeating what I have already said.

[English]

I wanted the record of this truly historic debate on this motion to show that I am strongly in favour of the speedy ratification of the Kyoto Protocol and that I am, therefore, strongly in favour of the passage, unamended, of the motion proposed by the Leader of the Government.

[Translation]

Hon. Laurier L. LaPierre: Honourable senators, it is with great honour that I rise to support the ratification of the Kyoto Protocol, which is the most important instrument on which I have voted in my two or three years in the Senate.

The Kyoto Protocol is a national blueprint, like Confederation in 1867, like our participation in World War I in 1914 — like the Depression in 1930 — and also like the events that took place in 1945.

In other words, there were times in the Canadian history when we took great risks to fulfil the dream of our founding fathers, the dream of those who created our country or who, over a period of 130 years, supported it and developed it.

Confederation is not perfect. It must be worked on every day. Compromises must be made every day. It is by making compromises that we will reconcile all the elements of this nation and be able to pursue what we must pursue to give mankind, our planet, our children and grandchildren the respect that they deserve.

I have polluted this planet. I have put my children and grandchildren at risk. Today, I am turning over a new leaf.

[English]

In my youth, when we were environmentalists, without knowing exactly what that meant, we used to say, "Think globally, but act locally." Therefore, the battle for cleaner air or climate warming disasters ends essentially with our capacity to act locally.

I advise honourable senators to look at my magnificent and glorious Web site in about two weeks to receive a statement on how we can individually contribute. I will see to it that my magnificent newsletter is distributed amply amongst honourable senators for further discussion.

[Translation]

This is an important point.

[English]

I am very nice because it is Christmas. I am very fond of Christmas. Therefore, at Christmas, I will give by voting in favour of this protocol. This is my gift to my nation, to the nations of the world and to the children of the world. Let it be the gift of other honourable senators as well, and let us deal with this matter as quickly as possible. If we could ratify the Kyoto Protocol today, I would be very happy, and it would be the greatest gift I could possibly be given.

The Hon. the Speaker: I have Senator Andreychuk as the next speaker on my list.

Senator LaPierre: She should have been here.

The Hon. the Speaker: Is the house ready for the question?

On motion of Senator Kinsella, for Senator Andreychuk, debate adjourned, on division.

POINT OF ORDER

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise on a point of order. It has been a long-held practice in parliamentary procedure in both Houses, well-recorded in procedural literature, that the presence or absence of a senator is not mentioned.

Hon. Laurier L. LaPierre: I withdraw the remark.

The Hon. the Speaker: I appreciate Senator LaPierre's withdrawal of the remark.

CODE OF CONDUCT AND ETHICS GUIDELINES

MOTION TO REFER DOCUMENTS TO STANDING
COMMITTEE ON RULES, PROCEDURES AND THE
RIGHTS OF PARLIAMENT—MOTION IN
AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Robichaud, P.C., seconded by the Honourable Senator Carstairs, P.C.:

That the documents entitled: "Proposals to amend the Parliament of Canada Act (Ethics Commissioner) and other Acts as a consequence" and "Proposals to amend the Rules of the Senate and the Standing Orders of the House of Commons to implement the 1997 Milliken-Oliver Report", tabled in the Senate on October 23, 2002, be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament,

And on the motion in amendment of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Losier-Cool, that the motion be amended by adding the following:

"That the Committee, in conjunction with this review, also take into consideration at the same time the code of conduct in use in the United Kingdom Parliament at Westminster, and consider rules that might embody standards appropriate for appointed members of a House of Parliament who can only be removed for cause; and

That the Committee make recommendations, if required, for the adoption and implementation of a code of conduct for Senators, and concerning such resources as may be needed to administer it, including consequential changes to statute law that may be appropriate."

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I can rise and raise several issues, but I know that the issues will be canvassed with much greater precision and research by my colleague Senator Beaudoin, who will speak on this topic tomorrow.

• (1730)

Honourable senators, I am confident that one of the issues Senator Beaudoin will canvass is the right to privacy, which is guaranteed by the Canadian Charter of Rights and Freedoms to all Canadians, including those who serve in this distinguished house. Therefore, it is a serious human rights issue. The rights of Parliament are collective, and there are individual rights that speak to the rights of individual members who have the honour and privilege to serve in this chamber. We do not forgo our Charter rights when we become a member of this house. I believe serious reflection must be given to the right of privacy of senators and, if necessary, we ought to exert that right.

On motion of Senator Kinsella, for Senator Beaudoin, debate adjourned.

NUCLEAR SAFETY AND CONTROL ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-4, to amend the Nuclear Safety and Control Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Robichaud, bill placed on the Orders of the Day for second reading two days hence.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Energy, the Environment and Natural Resources (budget—study on emerging issues related to its mandate—power to travel and hire staff) presented in the Senate on December 5, 2002.—(*Honourable Senator Banks*).

Hon. Tommy Banks moved adoption of the report.

Motion agreed to and report adopted.

AGRICULTURE AND FORESTRY

BUDGET—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Agriculture and Forestry (budget—study on climate change—power to travel and hire staff) presented in the Senate on December 5, 2002.—(*Honourable Senator Oliver*).

Hon. Donald H. Oliver moved the adoption of the report.

Motion agreed to and report adopted.

TRANSPORT AND COMMUNICATIONS

BUDGET—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Transport and Communications (budget—study on issues facing the intercity bus industry—power to hire staff) presented in the Senate on December 5, 2002.—(*Honourable Senator Fraser*).

Hon. Joan Fraser moved the adoption of the report.

Motion agreed to and report adopted.

FOREIGN AFFAIRS

BUDGET—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Foreign Affairs (budget—study on Canada-United States and Canada-Mexico trade relationships—power to travel and hire staff) presented in the Senate on December 5, 2002.—(*Honourable Senator Stollery*).

Hon. Peter A. Stollery moved the adoption of the report.

Motion agreed to and report adopted.

NATIONAL SECURITY AND DEFENCE

BUDGET—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on National Security and Defence (budget—study on the need for a national security policy for Canada—power to travel and hire staff) presented in the Senate on December 5, 2002.—(*Honourable Senator Kenny*).

Hon. Colin Kenny moved the adoption of the report.

Motion agreed to and report adopted.

ABORIGINAL PEOPLES

BUDGET—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Aboriginal Peoples (budget—study of issues affecting urban Aboriginal youth—power to travel and hire staff) presented in the Senate on December 5, 2002.—(*Honourable Senator Chalifoux*).

Hon. Landon Pearson moved the adoption of the report.

Motion agreed to and report adopted.

STUDY ON NEED FOR NATIONAL SECURITY POLICY

INTERIM REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the second report (interim) of the Standing Senate Committee on National Security and Defence, entitled: "For an Extra 130 Bucks... Update on Canada's Military Financial Crisis, A View from the Bottom Up," deposited with the Clerk of the Senate on November 12, 2002.—(*Honourable Senator Kenny*).

Hon. Colin Kenny moved the adoption of the report.

On motion of Senator Robichaud, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

STUDY ON STATE OF HEALTH CARE SYSTEM

FINAL REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kirby, seconded by the Honourable Senator Cook, for the adoption of the third report (final) of the Standing Senate Committee on Social Affairs, Science and Technology, entitled: "The Health of Canadians — The Federal Role, Volume Six: Recommendations for Reform," tabled in the Senate on October 25, 2002.—(*Honourable Senator LeBreton*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I believe the Honourable Senator Keon had intended to speak, but we are all conscious of the time and we know that our colleagues opposite have a busy evening as well.

On motion of Senator Kinsella, for Senator Keon, debate adjourned.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FIFTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Committee on Rules, Procedures and the Rights of Parliament (amendment to Rule 95(3) — committee meetings during adjournments of the Senate) presented in the Senate on December 3, 2002.—(*Honourable Senator Milne*).

Hon. Lorna Milne moved the adoption of the report.

Motion agreed to and report adopted.

BUSINESS OF THE SENATE

Hon. Mira Spivak: Honourable senators, may I ask leave to revert to Order No. 6?

The Hon. the Speaker: It is passed, Senator Spivak.

Senator Spivak: It went to committee?

Senator Milne: It passed.

• (1740)

The Hon. the Speaker: With the help of the Table, Senator Spivak, I can advise that Order No. 6 was the second report of the Standing Senate Committee on Aboriginal People, and it was adopted earlier today.

We will continue with the Order Paper and you can rise, Senator Spivak, and request leave. However, I would point out that it is not Order No. 6 on our Order Paper.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): To be helpful, I think Senator Spivak is referring to No. 6 not under Committee Reports but, rather, under Senate Public Bills.

Senator Spivak: I believe it is under Other Business.

Senator Kinsella: I would refer to page 9 of the scroll. There you will see the item dealing with Bill S-3.

Senator Spivak: Have we dealt with that already?

The Hon. the Speaker: We dealt with it by standing it. Senator Spivak is requesting leave to return to debate on second reading of Bill S-3; is that correct?

Senator Spivak: That is correct.

The Hon. the Speaker: Is leave granted, honourable senators?

Some Hon. Senators: No.

The Hon. the Speaker: I hear a dissenting voice.

TRANSPORT AND COMMUNICATIONS

MOTION TO AUTHORIZE COMMITTEE TO STUDY MEDIA INDUSTRIES—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Gauthier:

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on the current state of Canadian media industries; emerging trends and developments in these industries; the media's role, rights, and responsibilities in Canadian society; and current and appropriate future policies relating thereto; and

That the Committee submit its final report to the Senate no later than Wednesday, March 31, 2004.—(*Honourable Senator Stratton*).

Hon. Laurier L. LaPierre: The hour is late, and I am in great need of a scotch. There is a party of the Liberal caucus. However, I do want to return to this important question and speak for my entire 15 minutes. I realize I will not be able to do that unless you get angry with me, and most of you are already angry with me. Consequently, it being Christmas, I will give you the gift of my silence for the moment, but I shall return to this order.

Order stands.

[*Translation*]

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, perhaps we were a little too quick in standing this item, because I think Senator Morin wanted to say a few words, and I see that Senator Roche also wishes to rise on this issue.

Hon. Yves Morin: Honourable senators, since it is getting late, I will rise on another day.

[*English*]

The Hon. the Speaker: Does Senator Roche share that feeling? No. I am calling Item No. 4, the inquiry of Senator Oliver relating to AIDS-HIV. Why are you rising, Senator Roche?

Hon. Douglas Roche: I am well aware of the hour, honourable senators, but I just want to say that that it has been two months to the day that this item has been stood. I raised the point earlier publicly, as I have done privately. It is time to dispose of this issue. I should like to have the opportunity, if you will grant it to me, to speak last and close the debate.

The Hon. the Speaker: We are still on Item No. 4.

Hon. Senators: There are two items No. 4.

The Hon. the Speaker: To clarify the proceedings in the chamber, honourable senators, we have stood item No. 6, the motion of Senator Oliver on Canadian farmers at risk, and we are currently on Item No. 4, the motion dealing with AIDS-HIV. There was to be a speaker, but I believe Senator Morin has forgone that opportunity today and will speak another day. Accordingly, this matter will stand, if I understand the will of the chamber.

Senator Roche has commented on Item No. 4, but perhaps some senators may wish to speak.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the Speaker did not warn the house that, should Senator Roche speak, it would have the effect of closing the debate, and we do not want to have the debate closed.

The Hon. the Speaker: We should hear from the whips.

Hon. Bill Rompkey: The motion stands in my name, and I have agreed to defer to Senator LaPierre, but I would suggest that, in view of the hour, we stand it until Senator LaPierre has a chance to speak at the next sitting of the Senate, if that is agreeable.

The Hon. the Speaker: Just to clarify, I do not consider Senator Roche as having spoken. I appreciate it being drawn to the house's attention that if he did speak, it would have the effect of closing the debate, which has always constituted a warning so that other senators wishing to speak could do so. Senator LaPierre wishes to speak, as does Senator Morin.

Do you wish to speak now, Senator LaPierre?

Senator LaPierre: No, sir, I always obey the whip.

[Translation]

ILLEGAL DRUGS

REPORT OF SPECIAL COMMITTEE—INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Nolin calling the attention of the Senate to the findings contained in the Report of the Special Committee of the Senate on Illegal Drugs entitled "Cannabis: Our Position for a Canadian Public Policy", tabled with the Clerk of the Senate in the First Session of the Thirty-seventh Parliament, on September 3, 2002.—(Honourable Senator Prud'homme, P.C.).

Hon. Marcel Prud'homme: Honourable senators, I rise today to comment on the excellent report of the Special Committee of the Senate on Illegal Drugs, chaired by the Honourable Senator Nolin.

I must begin by pointing out that the committee has carried out an analysis of the cannabis problem in Canada that was painstaking and objective, and thorough as well, thus doing away with the prejudices and moralizing that have too often coloured the discussions around adoption or reform of a national policy on this issue for close to a century. Over the past three months, the committee's recommendations, which were both

audacious and intelligent, have had the merit of stirring up a healthy debate within Canadian society.

Honourable senators, I wanted to give you some context for the work of the special committee, having been involved in the Le Dain commission's work more than 30 years ago. That royal commission of inquiry was created on May 29, 1969 in response to the sudden and precipitous rise in cannabis use by young people in the mid-60s. For example, in 1964, there were 78 charges for cannabis use or dealing, and 28 convictions. By 1973, these figures had risen to 37,668 and 19,929 respectively!

Given such alarming statistics, the mandate of the commission was to propose a reform of our national policy on drugs, since the one and only course of action available, police crackdowns and criminal law, was no longer sufficient to eradicate the use of illegal drugs in Canada. In order to carry out its mandate, the commission had the difficult and tricky job of determining the factors that lead to drug use and assessing the psychological and physiological effects of these substances based on epidemiological and scientific research.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I believe that the stenographers are having problems keeping up with Senator Prud'homme. I am prepared to give him the time he needs to finish his speech so that we can all understand him.

• (1750)

Senator Prud'homme: Honourable senators, I wittingly put the emphasis on the tricky nature of the work of the Le Dain commission because, unlike the committee chaired by Senator Nolin, the commission did not have access to the large number of scientific studies on cannabis or other drugs produced in Canada, the United States or Europe during the last 15 years. At the outset, the commission was up against a restrictive drug policy that had been in place since 1908, when the Opium Act was passed.

Indeed, because of this, the commission had to distance itself from the moralist and alarmist attitudes that advocated prohibition. These attitudes were rampant in the federal bureaucracy, the media, temperance movements and the police, and they were broadly disseminated across civil society throughout the first half of the 20th century.

Initially, prohibition was essentially intended to protect society from the criminality and moral or socio-economic consequences of the terrible scourge of drug use, even if it meant incarceration of users. The purpose of this punishment was to attain lofty moral and social objectives in order to save the virtue of the users, particularly young people from good white families. This policy would in the end be beneficial to society, because it reinforced public safety, productivity and respect for conservative moral values.

For example, in 1922, Emily Murphy wrote the following on the crime-inducing and immoral qualities of cannabis in her book *The Black Candle*:

Persons using this narcotic smoke the dried leaves of the plant, which has the effect of driving them completely insane. The addict loses all sense of moral responsibility ... While in this condition they become raving maniacs and are liable to kill or indulge in any form of violence to other persons, using methods of the most savage cruelty without, as said before, any sense of moral responsibility.

In other cases, racism, the survival of the white and Anglo-Saxon race in certain regions of the country, the influence of the United States or the concern for Canada's prestige in the eyes of the world constituted the elements that allowed prohibition to acquire a degree of legitimacy with Canadians.

Truth to tell, until the Le Dain commission started its work, considerations of public health, ethics or reference to serious scientific research in support of legislators' choices were utterly ignored by public authorities. Not having ready access to sources of information not connected to the government or the media, Canadians accepted prohibitionist arguments unquestioningly until the mid-sixties.

This situation also enabled the federal Parliament to impose, more often than not without debate, severe sentences for simple possession of cannabis, and, in certain cases, the lash. This situation also made it easy for police forces to be given extraordinary powers of investigation or of criminal procedure as far as shadowing, search and evidence were concerned.

So, when this prohibition took effect in Canada, there was a serious violation of the fundamental liberties of Canadians and indiscriminate police crackdowns on cannabis users.

Some of you may find my comments exaggerated, demagogic even. If so, I strongly recommend that you read chapter 12 of the report produced by Senator Nolin's committee. You will see that federal parliamentarians, both in the Senate and in the other place, have, for close to a century now, frequently referred to the factors I mentioned when we were considering legislative amendments to our drug policy. Here are some examples.

In 1922, during a debate on an amendment to the Opium and Narcotic Drug Act, to deport any immigrant found guilty of an offence under the act, the Honourable Simon Tolmie, M.P., said:

— it might be impossible to get rid of these orientals and foreigners who have become naturalized, but if we deport those who have been convicted of taking part in this traffic ... we are moving in the direction of solving this oriental question.

One year later, in 1923, cannabis was listed in the schedule to the Opium and Narcotic Drug Act, no reason being given by the Minister of Health of the day, the Honourable Henri-Séverin Béland. In spite of everything, cannabis was now considered as dangerous as heroin and cocaine, on the one hand, and subject to the most compelling provisions of the act, on the other hand.

In June 1955, a report by the Senate committee on drug trafficking refused to reduce the criminal penalties for drug users, under the pretext that drug addiction was:

— a symptom of the victim's weak character and personality flaws. The drug addict is usually an emotionally disturbed and unstable person to whom drugs give some "guts."

On June 29, 1955, Senator R.B. Horner, whom I had the honour of knowing and with whom I sat, pushed this reasoning further by saying that most drug addicts:

...come from homes where there is too much idleness and where there is no useful work to be done.

I suggest that idleness is one of the chief causes of drug addictions.

In order to counter this anachronistic attitude and to provoke a real societal debate on our national policy on cannabis and other drugs for the first time, the Le Dain commission heard from 639 individuals and groups. In all, hearings were held in 27 cities, including Ottawa and all of the provincial capitals, and the commission travelled some 50,000 miles across the country. Despite commission staff having produced a series of scientific studies demonstrating the pressing need for reform, old myths were still clearly present in the minds of many who took part in the commission's work.

As evidence of this, I myself had to intervene between two groups of individuals who came to blows during one of the public hearings.

On many levels, honourable senators, I can confirm today that the commission fulfilled its mandate brilliantly, thanks to a serious research plan. As well, the intellectual rigour and the perseverance with which the members of the commission carried out their work led to the publication of four reports, including a special report on cannabis in 1972 and a final report in 1973.

In the case of cannabis, the recommendations made by the Le Dain commission, while they were not unanimous, did lead many Canadians to confront their prejudices about the use of such a drug with the new realities and modern values of Canadian society. I am referring here to tolerance, compassion and respect for individual rights. They also discovered that cannabis was no more dangerous than tobacco or alcohol. As a result, during the years that followed, proposals for decriminalization or legislation controlling the use of cannabis came to be viewed as viable alternatives to prohibition. In 1974, the Senate considered Bill S-19, which leaned in this direction. Unfortunately, it was never passed.

Honourable senators, more than 30 long years have passed since the Le Dain commission completed its work, and its recommendations, innovative as they were, were never implemented.

• (1800)

Yet, despite the fact that billions of dollars have been spent in the war against drugs, which is impossible to win, despite the fact that there have been too many deaths caused by the excessive use of illicit drugs or the lack of proper prevention programs, despite the fact that over 500,000 Canadians have a criminal record for simple possession of cannabis, with all the consequences that it implies, the utopia of a drug-free Canada never became a reality, even though it may have been a beautiful dream.

[English]

The Hon. the Speaker: Senator Prud'homme, I regret to interrupt, but I must advise the house that it is six o'clock.

Is it your desire, honourable senators, not to see the clock?

Hon. Senators: Agreed.

[Translation]

Senator Prud'homme: Yet, in 1996, instead of showing leadership and imagination, the federal Parliament confirmed that prohibition remained the cornerstone of our national drug policy when it passed the Controlled Drugs and Substances Act.

In my opinion, since 1908, successive governments, regardless of their political stripes, displayed deliberate thoughtlessness and even hypocrisy when they proposed legislation that supported prohibition.

Honourable senators, this situation can no longer go on indefinitely. Our approach to the issue of cannabis must no longer be based on moral values, prejudice or anecdotal evidence, but on a series of objective guidelines that will define the role to be played by Parliament, criminal law, science and ethics in a public policy on cannabis. In that context, I support the recommendation of Senator Nolin to the effect that Canada must at the very least develop a true national strategy on psychoactive substances, so that drug addiction can be considered and treated first and foremost as a public health issue.

Whether this strategy is to encourage decriminalization or merely regulation of cannabis use, the reaction of the United States, which worries me a good deal, as well as our obligations toward the international community have left me not yet prepared to reach a conclusion on this matter. I therefore plan to take an active part, over the coming months, in the major debate Senator Nolin has initiated.

In closing, I would like to pay tribute to the Leader of the Government in the Senate, Senator Carstairs, with her committee on palliative care, and to Senator Kirby, with his excellent study on the future of the Canadian health care system. I should point out that, once again, Senator Nolin has demonstrated how well equipped the Senate is to carry out studies on highly controversial issues in an atmosphere that is totally devoid of partisan politics.

[English]

The Hon. the Speaker: Senator Prud'homme, I regret to advise that your 15 minutes have expired.

Senator Prud'homme: I have only one paragraph left.

The Hon. the Speaker: Senator Prud'homme is asking for leave. Is leave granted?

Hon. Senators: Agreed.

[Translation]

Senator Prud'homme: I sincerely believe that all Senate standing committees should take their inspiration from these successful experiences in order to enable this chamber to more effectively fulfil its role as a chamber of sober second thought and to meet the true aspirations of Canadians in all parts of this country.

On motion by Senator Morin, debate adjourned.

[English]

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO STUDY THE EUROPEAN UNION

Hon. Peter A. Stollery, pursuant to notice of December 5, 2002, moved:

That Standing Senate Committee on Foreign Affairs be authorized to examine the consequences for Canada of the evolving European Union and on other related political, economic and security matters;

That the papers and evidence received and taken during the First Session of the Thirty-seventh Parliament be referred to the committee; and

That the Committee report to the Senate no later than March 31, 2004.

The Hon. the Speaker: Is the house ready for the question?

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, is the purpose of this motion to continue work that has already begun, and simply to complete it?

[English]

Senator Stollery: Honourable senators, the motions standing in my name on the Notice Paper are traditional motions of the Standing Senate Committee on Foreign Affairs. There is no cost to the Senate. Adopting these motions will allow the committee to continue to keep a watch on the subject matter that the committee has traditionally followed.

Some Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY EMERGING DEVELOPMENTS IN RUSSIA AND UKRAINE

Hon. Peter A. Stollery, pursuant to notice of December 5, 2002, moved:

That Standing Senate Committee on Foreign Affairs be authorized to examine emerging political, social, economic and security developments in Russia and Ukraine; Canada's policy and interests in the region; and other related matters;

That the papers and evidence received and taken during the First Session of the Thirty-seventh Parliament be referred to the Committee; and

That the Committee report to the Senate no later than March 31, 2004.

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY ISSUES RELATED TO FOREIGN RELATIONS

Hon. Peter A. Stollery, pursuant to notice of December 5, 2002, moved:

That Standing Senate Committee on Foreign Affairs, in accordance with rule 86(1)(h), be authorized to examine such issues as may arise from time to time relating to foreign relations generally;

That the papers and evidence received and taken during the First Session of the Thirty-seventh Parliament be referred to the Committee; and

That the Committee report to the Senate no later than March 31, 2004.

Motion agreed to.

NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO DEPOSIT REPORT WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Colin Kenny, pursuant to notice of December 5, 2002, moved:

That the Standing Senate Committee on National Security and Defence be permitted, notwithstanding usual practices, to deposit its interim report on national security with the Clerk of the Senate during the Christmas adjournment, and that the report be deemed to have been tabled in the Chamber; and

That copies of the report will be made available to all Senators in their offices and by e-mail at the time of tabling.

The Hon. the Speaker: Is the house ready for the question?

Hon. Eymard G. Corbin: Honourable senators, I stood the debate on the fourth report of the Standing Committee on Rules, Procedure and the Rights of Parliament respecting matters of this nature.

I wish to say, first, that I am all in favour of the work that Senator Kenny is doing. That is not my question at this time. In fact, I spoke in favour of these initiatives last year.

One thing bothers me. Why is the honourable senator planning to deposit this report with the Table during a period of adjournment? That is where I have a problem with the fourth report. In keeping with the traditions of Parliament, committees are creatures of the Senate. Committees have a duty to report back to the house first and foremost. When I say "to the house," I mean the house while it is sitting or in session.

I am not too keen on the current trend of tabling reports for this or that reason, for PR reasons, matters of urgency, and so forth, when the principal onus of the committee is to report back to honourable senators in attendance in the Senate. That has been a long-standing practice.

• (1810)

Will we take second place to the press in a public relations exercise? Is there any meaning left in the institution, which entails an obligation for committees to report to the whole house, first and foremost, and to have the debate here and not on the television screens of the nation, on the Internet of the world and what have you?

If the Senate authorizes the committee to undertake this kind of study and provides for generous budgets, basic courtesy would be to report here, to the honourable senators who made the study possible.

These studies are not hobbies. They are not lone-ranger exercises, if I may use a colourful expression. These studies belong to the Senate.

Perhaps the honourable senator could explain why he has chosen to request permission to table the committee's report at a time when we all know the Senate will not be sitting. What is behind this motion?

If the honourable senator is able to provide me with an appropriate answer, I may be able to debate the fourth report of the Standing Committee on Rules, Procedure and the Rights of Parliament and move things along.

I warn honourable senators that I am a traditionalist. There are some things that I do not accept lightly. I have read and heard a number of my colleagues, especially newer colleagues, call for a reform of the Senate from within. If we were to do that, there may be tendency to throw out some well-established traditions, which mean to me, first and foremost, respect for what this institution is all about.

I should like to hear the comments of the Honourable Senator Kenny.

Senator Kenny: Honourable senators, I wish to thank the Honourable Senator Corbin for his comments, which are apt, timely and appropriate. I apologize to honourable senators for being remiss in not following the rules more precisely. The rule calls on senators to rise and explain to the house why they are seeking this dispensation. I can only attribute my failure to do so to the hour of the day. I was asleep at the switch and did not rise to make the appropriate explanation at the time. I should have. The Honourable Senator Corbin has given me a chance to redeem myself, which I will endeavour to do now.

The Standing Senate Committee on National Security and Defence has been meeting on a fairly regular basis. A couple of days ago, we requested and received authority from the Senate to meet during the Christmas break between January 6 and 10. It is the intention of the committee to meet during the break and continue to work on the report, as it did this afternoon and yesterday.

The request is before the Senate because it is appropriate that the committee obtain authority from the Senate to meet during this time. The honourable senator's comment about the committee being the creature of the Senate is absolutely correct. It is up to honourable senators to determine when, if and how the report will be tabled. I accept that entirely. If it were not convenient for the Senate to have the report tabled with the clerk, then I would accept that with equanimity.

As to the reasons, it is fair to say that members of the committee feel that this report, which relates to the safety of airports and aircraft, is timely. The committee is, perhaps, being somewhat presumptuous, but we think some of the recommendations we will make are urgent and that they should be made public as soon as possible. It is for that reason that we are eager to have these views on the public record as quickly as we can.

The committee has determined that there are a significant number of problems that relate to the safety of aircraft and airports. It was with that in mind that it struck us as being unfortunate that, if we had completed a report, including one with recommendations, we should remain silent on it. It is not a question of timing. The committee did not ask itself how it could finish up the work early in January. The work was finished when the work was finished.

The committee met today with respect to the final recommendations that we would like to see in the report. We

expect to conclude our deliberation on recommendations at the beginning of January. The committee was of the view that the Senate would like to have those recommendations made public at the earliest possibility opportunity.

If that is not the case, then we will do whatever this chamber asks us to do.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

Motion agreed to, on division.

The Senate adjourned until Wednesday, December 11, 2002, at 1:30 p.m.

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(HANSARD)

Wednesday, December 11, 2002

THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Wednesday, December 11, 2002

The Senate met at 1:30 p.m., the Speaker *pro tempore* in the Chair. [English]

Prayers.

[Translation]

SENATORS' STATEMENTS

EARTHQUAKE IN PROVINCE OF MOLISE, ITALY

Honourable Marisa Ferretti Barth: Honourable senators, as the holidays approach, and as I continue to receive letter after letter of distress, I could not help but express the sorrow I feel as a result of the earthquake that struck Italy.

As you know, on October 31, a violent earthquake struck Central and Southern Italy, leaving 29 people dead. Twenty-six of the fatalities were children, who had been celebrating Halloween in their school at San Giuliano di Puglia when the roof collapsed.

Honourable senators, I will give you an indication of where the region of Molise is, and what it is like. The Province of Molise is in the South-central part of Italy, and is surrounded by the Provinces of Puglia, Abruzzi, Campania and Latium. It is bordered on the east by the Adriatic. This region is not well known, although it is worth discovering for its splendid scenery and its rich history.

Molise is a very ancient region. The Romans built flourishing cities there. Even after their Empire declined, Molise retained a strategic position in the heart of the Southern Peninsula, along with its originality, its customs and its beauty.

Today, my heart is with the people of the region, in these dark hours they are living through. All of Molise is mourning the people who were lost and the villages that were destroyed. Molise is not prone to earthquakes, so it was hit unawares, adding to the shock of it all.

Molise is a very hilly region, with a few plains along the shore of the Adriatic and banks of the Biferno and Trigno Rivers. On many of the hilltops, we find hamlets that have preserved their medieval charm. A stroll through one of these hamlets takes us back in time to the Middle Ages, with the knights, the lords and the damsels, who are as *bellissime*, or most beautiful, today, as ever.

Honourable senators, despite the time that has passed, the people of Molise are still suffering. It is hard to forget the deaths of 26 innocent children, who had their entire lives ahead of them.

In closing, honourable senators, as the holidays, *natale e anno nuovo*, approach, their sorrow is deepening. Perhaps a message of love, hope and solidarity can help console these people, who are still reeling from this terrible natural disaster.

THE LATE HONOURABLE HARTLAND DE MONTARVILLE MOLSON, O.C., O.B.E.

TRIBUTE

Hon. Marcel Prud'homme: Honourable senators, he was a visionary. He was a great wartime hero. He was a sportsman. He was a great statesman.

I am sure all honourable senators will recognize the one to whom I said I would pay homage — our beloved Senator Molson whose memorial service will be held tomorrow. I did not want to speak at the time homage was paid to him and said I would do so the day before the service.

There are many reasons for what I am doing today, honourable senators. First, honourable senators know that Senator Molson was appointed to the Senate in 1955. Second, he always sat as an independent. If I had to, I would repeat what Senator Meighen said apropos Senator Molson when he spoke about the role of independent senators in this place. However, there are other reasons for which I should like to pay homage to Senator Molson. For some honourable senators, it will be a surprise.

• (1340)

Honourable senators know that Senator Molson could have stayed in the Senate until his death. However, he always said, "I will resign my Quebec Senate seat as an independent only if I am assured that I will be replaced by an independent." Therefore, I should like the record to show that on the morning of May 26, 1993, Senator Molson said, "I shall resign today," and then made his farewell speech in the Senate that afternoon. At 4 p.m., I was appointed as an independent senator to replace him. I will let people draw their own conclusions. Senator Molson was very happy. He knew who would replace him. I am proud to say that I succeeded one of the greatest Canadians, whom I knew for over 45 years. I knew him when I was president of the student association at the University of Ottawa. He was helpful to me and I hope that many senators can attend tomorrow, even though it is the end of the session.

[Translation]

I extend my most sincere condolences to his daughter and son-in-law.

[English]

For us in Quebec, it was the loss of a great statesman and a great English-Canadian in Quebec.

[Translation]

[English]

MULTILINGUALISM AND CULTURAL DIVERSITY

Hon. Jean-Robert Gauthier: Honourable senators, statistics from the 2001 Census, published December 10, 2002, by Statistics Canada, demonstrate that, over the last five years, Canada has benefitted not only from official and institutional bilingualism, but has also grown richer as a result of multilingualism and cultural diversity.

Canadians are increasingly embracing Canada's linguistic duality and multilingualism. Bravo! We will be able to take our proper place on the world stage, since the report informs us that there are more than 100 languages spoken in Canada.

This ability to communicate with others in no way threatens the social fabric of Canada, but it does allow us to communicate better with other countries to strengthen cultural, social and economic exchanges.

The challenge for French-language minority communities is to ensure that our young people speak English while preserving their own language. The fact that both official languages are spoken regularly in the home and at work is most encouraging.

[English]

One disturbing piece of data is the fact that youth bilingualism is decreasing in provinces outside Quebec. That phenomenon was unexpected, based on previous data. Some of us thought young English speakers outside Quebec were becoming increasingly bilingual, but the data indicates a drawback in individual bilingualism amongst English-speaking youth. The cutbacks in education and changes in education programs with regard to second-language education in the different provinces are probably responsible for this setback. The federal government will have many occasions in the New Year to discuss this important question with provincial authorities.

[Translation]

Coincidentally, the Official Languages in Education Program expires on March 31, 2003. We must discuss this with provincial officials before committing to any new agreements. The effectiveness of the program is presently being evaluated.

However, the official languages community support program must also be evaluated. It is not currently available. The effectiveness of this program needs to be looked at carefully and improved if the government plans on extending the agreements. As far as I know, the official languages community support program has never been evaluated since 1970. It is high time it were.

The interest in official languages is national. As a result, we must take all of the necessary measures to ensure that the agreements reached with the provinces yield results.

To conclude, I hope that the Standing Senate Committee on Official Languages will examine this very important issue.

PUBLIC SERVICE COMMISSION

HIRING PRACTICE

Hon. Donald H. Oliver: Honourable senators, I rise to bring your attention to the hiring practices used by the Public Service Commission of Canada. For the past 40 years, the PSC has used a system of hiring employees that limits who is allowed to apply for federal job opportunities. Positions vacant in British Columbia, for example, are not available to Atlantic Canadians. Jobs available in Nova Scotia are not available to residents of Ontario. Canadians hoping to have top-level positions with the PSC must live in Ottawa to be eligible under the current hiring system. This hiring practice is clearly unfair but perfectly legal. A policy that uses postal codes and radiuses to determine eligibility does not provide full access and does not take advantage of the talent available across our country. In fact, the job opportunities available to all Canadians with the federal government are limited.

In the fiscal year 2000-01, only 17 per cent of the total number of jobs posted on the PSC Web site were available to everyone in Canada. A year later, the number of jobs posted nationally had only climbed to 22 per cent. In that year, less than 930 of the 4200 jobs posted were accessible to all Canadians. MPs from the government and opposition in the other place have agreed that the PSC hiring practices are wrong. Even management within the PSC has recognized that something must be done to rectify this problem. Until the limited selection process used by the PSC is ended, jobs that could be filled by qualified and talented Canadians from all corners of our country will remain inaccessible to them. Any Canadian qualified and interested in a career with the government should be allowed to compete for jobs in the public service in a fair and equitable hiring system. One's address should not be the qualifying factor.

THE LATE FATHER LES COSTELLO

TRIBUTE

Hon. Francis William Mahovlich: Honourable senators, I rise today to pay tribute to a dear friend of mine, Father Les Costello, who passed away at the age of 74.

Born in South Porcupine, Ontario, he graduated from St. Michael's College in Toronto. After playing for the St. Michael's Majors, he spent three seasons in the American Hockey League with the Pittsburgh Hornets. During the playoffs in 1948, he scored two goals and two assists in five games, helping the Toronto Maple Leafs capture the Stanley Cup.

He could have become a great player, but he had a higher calling. The next season, he surprised everyone by leaving the NHL for the priesthood. Many are called but few are chosen. In 1957, he was ordained and in the 1980s returned to Northern Ontario, where he ran St. Alphonse's Church in my hometown of Schumacher. You can see in that church, today, something unique: He had one of the artists, who was a miner up there, paint a fresco much like the Sistine Chapel's in Rome. There are two angels; one has my brother's face painted on it and on the other, my face is painted.

Father Costello was most famous for his role as one of the founding members of the Flying Fathers hockey team, a team of Catholic priests who travelled across Canada and the United States, raising over \$4 million for charitable organizations. I remember a time when he first moved up north and was speaking at a sermon in a little mining town just north of North Bay. At that particular time, the cover of *Time* magazine was published with a big question mark and the words "Is God Dead?" He began his sermon by saying, "I did not even know God was sick."

Father Les Costello had a great sense of humour. Our sincere condolences go to all the members of his family.

[Translation]

INTERNATIONAL HUMAN RIGHTS DAY

The Hon. Gérard-A. Beaudoin: Honourable senators, I would like to say a few words on the 1948 Universal Declaration of Human Rights, the 54th anniversary of which we celebrated yesterday.

In this troubled world of ours, it is comforting to see that we have very significant international documents.

The great British philosopher Isaiah Berlin, who lived from 1909 to 1997, said about the 20th century that it was the most violent century in history with its two world wars. Alas, he was right.

However, the 20th century, this violent century, was also one in which charters of rights and freedoms were entrenched in the constitutions of several countries, including Canada's.

It is one of the centuries that began with this bible — if I may use the term — of modern times, of major international documents, of constitutional charters of rights and freedoms.

I am pleased that, in 1982, Canada entrenched in its constitution a charter of rights and freedoms, which is one of our greatest legacies. I am proud to point out this fact.

[English]

STATUTES REPEAL BILL

FIRST READING

Hon. Tommy Banks: Presented Bill S-12, to repeal legislation that has not been brought into force within 10 years of receiving Royal Assent.

Bill read first time.

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the second time?

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, this is a debatable motion. Is this a government bill or a private bill?

Senator Banks: Honourable senators, it is a Senate public bill. It is not a private bill in the sense of seeking action on behalf of a company.

Senator Lynch-Staunton: I was unsure of the origin of the bill because of its topic.

On motion of Senator Banks, bill placed on Orders of the Day for second reading two days hence.

CANADA ELECTIONS ACT

NOTICE OF MOTION TO REFORM PARTY FINANCING

Hon. Consiglio Di Nino: Honourable senators, I give notice that, on Tuesday, December 17, 2002, I will move:

That the Senate urge the Government of Canada to reform the Canada Elections Act and other pertinent Acts to eliminate all donations to political parties and to replace them with a system of full public financing, and to establish an impartial, independent committee to direct and oversee the said system, including setting and enforcing standards and rules of conduct.

[Translation]

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY FRENCH-LANGUAGE BROADCASTING IN FRANCOPHONE MINORITY COMMUNITIES

Hon. Jean-Robert Gauthier: Honourable senators, I give notice that, on Friday next, December 13, 2002, I will move:

That the Standing Senate Committee on Official Languages be authorized to examine and report upon the measures that should be taken to encourage and facilitate provision of and access to the widest possible range of French-language broadcasting services in francophone minority communities across Canada.

ROUTINE PROCEEDINGS

STUDY ON ISSUES FACING INTERCITY BUSING INDUSTRY

REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE TABLED

Hon. Joan Fraser: Honourable senators, I have the honour to table the third report of the Standing Senate Committee on Transport and Communications, entitled "Intercity Bus Service in Canada."

[English]

• (1400)

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. George J. Furey: Honourable senators, with leave of the Senate, and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Legal and Constitutional Affairs have power to sit at 3:30 p.m. on Wednesday, December 11, 2002, even though the Senate may then be sitting and that rule 95(4) be suspended in relation thereto.

Hon. Marcel Prud'homme: Question!

Senator Furey: Honourable senators, I understand that the committee will hear evidence from out-of-town witnesses.

Senator Prud'homme: Honourable senators, I am afraid that if we grant leave for too many committees to sit, there will be no senators remaining in the chamber for the balance of today's sitting. Thus, I am reluctant to agree to this motion without knowing how many committee's will make this same request. I am told that as many as five committees could ask for leave to make such a motion. If all requests were granted, would we retain our quorum in the Senate?

Hon. John Lynch-Staunton (Leader of the Opposition): Are honourable senators aware that Bill C-10A, which resulted from the committee's decision to split Bill C-10, is no longer on the Order Paper of the House of Commons to be dealt with before it rises? Therefore, Bill C-10B may become redundant.

Senator Furey: Honourable senators, that will not affect the order of reference of this chamber to the committee.

Senator Lynch-Staunton: The House of Commons has not concurred in the request of this chamber to split Bill C-10. I am interpreting their refusal to put Bill C-10A on their Order Paper as a questioning of the action of this house. I ask the honourable senator if he deems it proper to continue the committee's valuable studies before it has had confirmation of concurrence, or an indication otherwise?

Senator Furey: Honourable senators, it is not a question or a prerogative of the committee. The committee is following a directive of this chamber. If the honourable senator wished to introduce a motion to change that directive, that may be the best course of action. The committee follows the direction of this chamber.

Senator Lynch-Staunton: Honourable senators, that is a suggestion that I may entertain and raise at a later date.

The Hon. the Speaker *pro tempore*: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

STUDY ON STATE OF HEALTH CARE SYSTEM

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE AUTHORIZED TO RETAIN POWERS TO PUBLICIZE REPORT

Hon. Michael Kirby: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move, seconded by the Honourable Senator Cook:

That, notwithstanding the Order of the Senate adopted on Tuesday, October 8, 2002, the Standing Senate Committee on Social Affairs, Science and Technology, which was authorized to examine and report upon the state of the health care system in Canada, be empowered to retain the powers necessary to publicize its findings for distribution of the study contained in its final report for 120 days after the tabling of that report.

Motion agreed to.

[Translation]

LINGUISTIC DATA IN 2001 CENSUS

NOTICE OF INQUIRY

Hon. Jean-Robert Gauthier: Honourable senators, I give notice that, on Friday December 13, 2002:

I will call the attention of the Senate to the demo-linguistic data in the 2001 Census dealing with Canada's language profile and many other useful facts of national importance.

[English]

QUESTION PERIOD

CRIMINAL CODE FIREARMS ACT

DIVISION OF BILL—STATUS IN HOUSE OF COMMONS

Hon. Terry Stratton: Honourable senators, my question is addressed to the Leader of the Government in the Senate and concerns Bill C-10, Bill C-10A or Bill C-10B. As regards the status of Bill C-10, is it still on the Order Paper in the other place or has it been removed?

Hon. Sharon Carstairs (Leader of the Government): My understanding, honourable senators, is that it remains on the Order Paper, or at least will be on the order of business today that will be called. It does not appear to have been called.

Senator Stratton: The leader may not be able to answer this next question, but what is the government's policy with respect to Bill C-10A now? It seems to have hit the wall over in the other place. We were forced to rush the bill through the Senate without proper and complete hearings. It would be nice to know what is going on because not knowing only delays Bill C-10A and also affects the process by which we continue to carry on with Bill C-10B.

Senator Carstairs: As honourable senators can well understand, I do not tell the Government House Leader how to run his place and he does not tell me how to run this place. The Senate has dealt with the legislation as it saw fit. The House of Commons now must undertake to do the same. My understanding is that they are sitting until Friday of this week, and so it may well still be dealt with before we rise before Christmas.

Hon. Gerry St. Germain: Honourable senators, were we not made to believe that Bill C-10A was required before December 31 so that situations would not arise that would put our citizenry who are affected by guns in a position where they would be subject to criminal prosecution? Was that not the understanding given to us by the Leader of the Government in the Senate?

Senator Carstairs: It is not a matter of my having given honourable senators that advice; it is in the legislation.

Senator St. Germain: What we are saying is that if the House of Commons refuses or sees fit not to proceed at this time, as of December 31 citizens will be exposed to risk, from a criminal point of view. Is that what the leader is saying?

Senator Carstairs: Bill C-68, the original gun legislation, outlined a situation where a number of guns would become subject to prosecution if they were still in the possession of Canadians. The enabling legislation, which I believe is Bill C-10A, originally Bill C-10, extended or grandfathered many of those weapons. Obviously, if the legislation is not passed, that grandfathering will not exist.

Senator Stratton: My understanding of Bill C-10A is that, while the regulations still require registration by December 31 of this year, an amnesty has been granted for prosecution. In other words, a six-month extension has been granted by the minister so as to allow the bureaucracy to deal with the late registrations; is that correct?

Senator Carstairs: Yes, senator, but do not confuse the two issues here. There are two issues. I want to make it very clear. Bill C-68 set down registration requirements requiring Canadians to be licensed and to have their weapons registered as of December 31, 2002. That particular section of Bill C-68 has been given a grace period for six months. That has not changed. That grace period will be instituted January 1 for the next six-month period.

Bill C-10A, or Bill C-10, if you wish to call it that, took the weapons that were declared illegal in the Bill C-68 legislation and grandfathered them to allow them to be held in the hands of certain individuals. That grandfathering provision was drafted as enabling legislation to make this possible. My understanding is that if we do not pass this bill, that grandfathering will not be in force and effect.

Senator Stratton: What happens to those individuals who are not subject to the grandfathering provision? How are they affected?

Senator Carstairs: My understanding of the bill, and I certainly stand to be corrected, is that if the grandfathering provision is not passed — and we certainly did our job to make it pass — then those weapons will be illegal.

JUSTICE

ENFORCEMENT OF FIREARMS ACT

Hon. Lowell Murray: Honourable senators, I appreciate what the Leader of the Government has said about the provisions of Bill C-68 and of Bill C-10A, if that is what it is, which seems to have disappeared into thin air over there.

I should like to ask the Leader of the Government a question about a statement attributed four years ago to Mr. Jean Valin, Public Affairs Director of the Canadian Firearms Centre. I quote:

If provinces are reluctant to enforce laws of the land...they have the choice to interpret things loosely or tightly. The law is no different but what is different is the enforcement. The enforcement continues to be a local police issue...and every police officer will tell you there is some discretion and judgment-call in how you characterize an offence. This is good news for the West. It's like a speeding ticket...the police have some degree of latitude.

My question is: How can the government expect a law brought in under Parliament's criminal law power to be defensible, much less credible, when spokesmen for the federal government are prepared to contemplate a checkerboard system of enforcement across the country?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question. Clearly, I do not believe that we should have individuals making those kinds of statements. However, it is quite clear that that has been the attitude on marijuana for some time in this country. The possession of small amounts of marijuana is not prosecuted in many of our cities. It is, however, prosecuted in many other communities. Police work is police work. It is left up to the police authorities, and sometimes they use the full force of the law and sometimes they do not.

Senator Murray: To clarify and confirm what we have just heard, my honourable friend is suggesting that the statement I have just quoted from Mr. Valin does indeed represent a checkerboard approach on the part of the federal government to the enforcement of this law.

Senator Carstairs: No, senator, it does not. I made that very clear in my opening statement. The government does not think such a statement is an appropriate statement to be made, but I think we also have to accept the reality that police work is police work. The federal government does not control police work, nor should it control police work. As a result, there is, in a number of instances in this country, somewhat of a checkerboard approach.

• (1410)

CHANGES TO FIREARMS REGULATIONS— EXTENSION OF GRACE PERIOD

Hon. Charlie Watt: Honourable senators, I have a question for the Leader of the Government on the six-months' grace period. How will that be done? Will that begin before Christmas or after the holidays?

At the same time, I would like to take this opportunity to say that the ruling by the Nunavut court came down yesterday, and the law right now, as it stands, exempts sustenance hunters. In other words, the people of Nunavut have won their case.

Some Hon. Senators: Hear, hear!

Hon. Sharon Carstairs (Leader of the Government): The honourable senator has asked the question: When does the grace period take force and effect? The grace period takes effect on January 1, 2003, because they are not obviously in violation of the law at the present time and would not be until midnight on December 31, 2002. That grace period is for a period of six months and deals only with the actual registration.

CRIMINAL CODE FIREARMS ACT

DIVISION OF BILL—STATUS IN HOUSE OF COMMONS

Hon. Herbert O. Sparrow: Honourable senators, pertaining to Bill C-10, I guess my confusion has not abated much. Bill C-10A does not appear anywhere in the House of Commons orders and Bill C-10 does. They refer to Bill C-10. They refer to an amendment on Bill C-10. This house passed a bill called Bill C-10A that went to the House of Commons. However, Bill C-10A does not appear on the orders of the House of Commons. I ask the question: Where is Bill C-10A? The Minister of Justice has been quoted as saying that they did not withdraw, they stayed Bill C-10A, but it does not appear anywhere that that has happened.

Senator Lynch-Staunton asked the question earlier: What happens to Bill C-10B now? How do we deal with that one?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, we have covered this ground a number of times; however, let me try one more time.

The Senate of Canada instructed the committee to split the bill. The Senate of Canada sent the bill off to committee with that instruction. The Standing Senate Committee on Legal and Constitutional Affairs, under the able leadership of Senator Furey, followed the Senate's instructions and split the bill, naming one portion Bill C-10A, and that was the firearms portion, and naming the other portion Bill C-10B, and that was the cruelty to animals part.

Are you with me now?

Senator Sparrow: Not quite.

Senator Carstairs: Let me continue. We then had a situation in which the Legal and Constitutional Affairs Committee reported the bill back to the Senate of Canada. The report of the committee did two things: It made a recommendation to split the bill and to ask for concurrence of the other place, and to pass one part of it, which they had duly designated Bill C-10A.

We did that in this chamber. We sent it off to the other place. We sent the entire bill, Bill C-10. We sent Bill C-10A as a passed piece of legislation. We agreed to leave Bill C-10B in our committee for further study. The House of Commons debated Bill C-10A last Friday. The Senate introduced a motion urging the House of Commons to concur with the decision made in this place.

Then, as the honourable senator has indicated, it seems to have somehow gone into limbo. The reality is, however, that it is still on the overall Order Paper, just as all government legislation is on the Order Paper. It remains in the other place.

I do wish I had a bit more control over their Order Paper on occasion; however, I do not, any more than the House of Commons has control over Senate business over here. I suppose that is as it should be.

Senator Sparrow: Thank you very much. The Order Paper of the House of Commons shows Bill C-10. There is no reference at all on the Order Paper to Bill C-10A. It does not show that there was an amendment. A message came from the Senate to the House of Commons amending Bill C-10. It does not exist here on their order paper.

The consideration here is under the Minister of Justice, and it reads:

Resuming consideration of the amendments made by the Senate to Bill C-10, An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act.

No reference is made to us sending Bill C-10A to the chamber.

The minister has stated that he has stayed the discussion on Bill C-10A. However, Bill C-10A appears now nowhere in the House of Commons. I am asking why not.

Senator Carstairs: Honourable senators, it appears in the message from the Senate of Canada. That is the message that is being dealt with. That is why we had to send them the full Bill C-10 and that is why we also sent them Bill C-10A, so that when they passed their motion or agreed to our motion, it would be to split the bill and to pass the split section known as the Firearms Act.

Hon. John Lynch-Staunton (Leader of the Opposition): At the risk of muddying the legislative waters even more, if one looks at page XIII of today's House of Commons Orders of the Day, you will find chapter heading "Motions Respecting Senate Amendments to Bills." Then it says "Bill C-10, an act to amend the Criminal Code (cruelty to animals and firearms)," in other words, the original bill.

Resuming consideration of the motion...that, in relation to the amendments made by the Senate...this House concurs...

That is a motion presently before the House of Commons that they concur with our decision here.

Honourable senators, listen to this paragraph — and, Your Honour, you will be particularly interested in this:

That this House, while disapproving of any infraction of its privileges or rights by the other House, in this case waives its claim to insist upon such rights and privileges, but the waiver of said rights and privileges is not to be drawn into a precedent...

Therefore, Senator Sparrow technically is incorrect but, in fact, is right. It is in the order paper, but it is not being called. The question is: Why is this order not being called? According to house leaders' agreements, which we were told about, today, in all our caucuses, it is not to be called before adjourning for the Christmas period.

Senator Carstairs: With the danger of being very, very repetitious, I do not control the business of the House of Commons.

Hon. Pierre Claude Nolin: Honourable senators, we are not asking the Leader of the Government in the Senate to be in charge of, control or influence the affairs of the House of Commons. It is the government's business. It is a motion of one of the leader's fellow ministers in cabinet. She is part of that cabinet. Could the leader inform us as to the intent of her government and her colleague, the Minister of Justice, in that business?

• (1420)

Senator Carstairs: As soon as I know, I would be delighted to tell honourable senators.

Senator Nolin: Do I read between the lines that the leader does not know what the Minister of Justice is trying to do?

Senator Carstairs: I have not been informed of what members of the other place are doing.

FISHERIES AND OCEANS

COAST GUARD—SEARCH FOR VESSEL DUMPING OIL AT SEA—STATUS OF DISABLED RUSSIAN VESSEL

Hon. Gerald J. Comeau: Honourable senators, my question is for the Leader of the Government in the Senate. It concerns Coast Guard-related matters that are presently occurring off the East Coast of Canada.

Over the past few days, it has been reported that Coast Guard officials have been trying to track down vessels suspected of dumping oil off Newfoundland after finding oil-covered birds — including some endangered species — washed up on shore near pristine ecological reserves.

This news comes at the same time as that of a Coast Guard vessel keeping close watch over a disabled Russian fishing vessel 800 kilometres northeast of St. John's, Newfoundland. The

55-metre ship has been dead in the water since its prop became ensnared in netting or cables a few days ago.

Has the government made progress in finding the vessel that dumped the oil that was found on the birds, and what is the status of the disabled Russian boat?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question. I will have to take both matters under advisement as I do not have any information to share with him at this time.

COAST GUARD—EFFECT OF BUDGET SHORTFALL

Hon. Gerald J. Comeau: Honourable senators, perhaps the minister would also represent to cabinet, on behalf of many of us, the help that the Minister of Fisheries needs to supplement the budget of the Canadian Coast Guard. My understanding is that its budget is stretched to the limit. Hundreds of millions of dollars are needed to bring the Coast Guard to an acceptable state, both on the East Coast and the West Coast of Canada.

I understand that the Coast Guard on the West Coast is not able to honour past agreements with our American allies to respond jointly to oil spills.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, let me deal with the latter part of the senator's comments. I believe that the honourable senator is addressing a news story to the effect that the agreement between Canada and the U.S. has collapsed, and that is simply not true. No agreement has collapsed. We have negotiated with our United States colleagues an updated joint contingency plan to respond to environmental emergencies. This agreement is currently with the U.S. State Department for its approval.

I have a comfort level that I wanted to share with the honourable senator about that issue because it is an important one for us.

In terms of the budget priorities-setting exercise underway, I will ensure that the representations of the honourable senator are made to cabinet.

SOLICITOR GENERAL

LISTING OF HEZBOLLAH AS TERRORIST ORGANIZATION—EFFECT ON PARLIAMENTARIANS AND PARLIAMENTARY ASSOCIATIONS

Hon. Marcel Prud'homme: As we all know, honourable senators, the government has decided to forbid any contact of any kind with either wing of the Hezbollah, the political one or the charitable one, which is agreeable to most Canadians. This is now the law of Canada. However, this decision is extremely difficult for me, after listening very attentively to the Solicitor General and the Minister of Foreign Affairs, for both of whom I have great respect. I became confused at noon. It is a matter of extreme importance that we be given an answer before we leave for the Christmas break.

Any contact with Hezbollah is forbidden. Fine. That is the law of the country, except that there is a very vigorous Canada-Lebanon Parliamentary Association. I could name many senators in this chamber who are members. Many members of the House of Commons are members of the Canada-Lebanon Parliamentary Association.

As honourable senators know, Hezbollah means the "Party of God." It was created as a liberation movement after the invasion. They now have 12 elected members in the Parliament of Lebanon. They are federal compatriots, duly elected out of a house of 128 members — 64 Christians, 64 Muslim of all cultures.

I believe strongly that parliamentary associations are created to move forward and not to be frightened. Their mandate is to openly entertain new avenues of discussion. What is the minister's view of contact between Canadian parliamentarians and their federal compatriots, the 12 Hezbollah members of the Parliament of Lebanon?

Hon. Sharon Carstairs (Leader of the Government): As honourable senators know, today it was announced that three additional entities have been added to the Criminal Code provisions of the Anti-terrorism Act that we dealt with in this house as Bill C-36. The organizations that were listed are the Kurdistan Workers Party, the Aum Shinrikyo and the Hezbollah.

I do not usually read verbatim, but I want to read this statement verbatim because it is very important.

The Government of Canada has determined that these entities knowingly engaged in terrorist activity. Any person or group listed may have its assets seized and forfeited. There are severe penalties, including up to ten years imprisonment, for persons and organizations that deal in the property or finances of these listed entities.

I cannot imagine a parliamentary group dealing with either the finances or the properties of those listed groups. The statement continues:

In addition, it is a crime to knowingly participate in, contribute to or facilitate the activities of a listed entry.

Personally, I do not see any conflict between the two matters.

Senator Prud'homme: Honourable senators, I am aware of the possible penalties. I do believe that some people, maybe even in Canada, could be in deep trouble.

The Minister of Foreign Affairs, for whom I have the greatest respect, is under immense pressure. I said as much in *La Presse* last week. The minister comes with this announcement just before a long adjournment. My father always said to be careful at the end of a session because there is always a surprise. I was waiting for a surprise, and we have it.

The minister says that these 12 members of the Lebanese Parliament would be forbidden entry to Canada. That is the decision, and I respect the law of the land. However, I can fight for change. We live in a democracy, and a decision was taken. I disagree with the decision, of course. I wonder if I could say outside of the Senate now that I profoundly disagree with what took place. I am not sure. However, I will find out, be assured, and I do not care about the consequences. I think of Canada's interests.

[Senator Prud'homme]

These members will be forbidden to enter Canada. The minister may not be prepared to answer my question today, but it is important that we know the answer because Parliament will recess until late January. There are many parliamentarians involved. I am not one of them because my health does not allow me to travel, unfortunately. However, there are many parliamentarians who will go to the Middle East in January, and some will go to Lebanon.

Will these parliamentarians be considered under this law? Their counterparts in Lebanon would not be allowed to come into Canada, as was said during a press conference at noon by the Minister of Foreign Affairs and the Solicitor General.

Senator Carstairs: Honourable senators, it would clearly be a decision of the Government of Lebanon as to whether Canadian parliamentarians could go to Lebanon. I see nothing in this list that would create a problem for the travelling Canadian members of Parliament.

Something else that the honourable senator mentioned requires clarification. He said that there was enormous pressure on the Minister of Foreign Affairs. I want honourable senators to understand that the authority provided by the Anti-terrorism Act to list these entities does not rest with the Minister of Foreign Affairs; it rests with the Solicitor General.

• (1430)

The Solicitor General comes before a committee of cabinet, and that committee determines whether these organizations should be listed. I can assure you that it is done in a very thorough manner, seeking out every bit of information possible, not only from our friends and allies but, more important, from those who investigate criminal organizations, particularly CSIS.

The Hon. the Speaker: Honourable senators, I regret to advise that the time for Question Period has expired.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table a delayed answer to an oral question raised by the Hon. Senator Oliver, of October 22, 2002, concerning visible minority appointments to judgeships.

JUSTICE

VISIBLE MINORITIES APPOINTED TO JUDGESHIPS

(Response to question raised by the Hon. Donald H. Oliver on October 22, 2002)

The Federal Government recognizes the importance of appointing judges who are representative of the diverse Canadian society they serve. Although the overriding

consideration in making appointments is the candidate's merit, ensuring the judiciary's representativeness is among the objectives that the Minister of Justice strives to achieve in filling specific positions.

With regards to the specific questions raised by the Honourable Senator Donald Oliver, the short answer is that the Government does not keep these numbers. The collection of personal background data is the responsibility of the Office of the Commissioner for Federal Judicial Affairs. Neither the Commissioner nor the Minister of Justice maintains statistics on the cultural or racial profile of the judiciary and some would question the propriety of collecting this data. All information on candidates for the judiciary is kept strictly confidential, so any cultural or racial data would have to be obtained through self-identification. In these circumstances, the reliability of the data would also be questionable.

That said, the federal judicial appointments process established in 1988 has incorporated several mechanisms designed to encourage greater diversity within the federal judiciary. First, efforts have been made to make the application process open and accessible to all. Qualified persons wishing to be considered for appointment are invited to apply to the Commissioner for Federal Judicial Affairs ("CFJA"). All law societies are regularly approached by the CFJA to publicize the procedures for application, and the Commissioner's Office has been active in promoting the process among minority groups, both at meetings and in writing. In addition, members of the legal community and all other interested persons and organizations are encouraged to submit to the CFJA the names of persons they consider qualified for judicial office. The CFJA will then send application materials to the nominee.

The provincial and territorial advisory committees that assess each lawyer's qualifications for the bench constitute another key mechanism aimed at achieving a representative bench. When appointing committee members, the Minister of Justice attempts to reflect factors appropriate to each jurisdiction, such as geography, language, multiculturalism and gender. The Commissioner for Federal Judicial Affairs forwards all reference letters received in support of a candidate to the appropriate committee. The Minister of Justice also welcomes the advice of interested groups and informed individuals on particular appointments, especially in the furtherance of achieving a representative bench.

[English]

SPECIES AT RISK BILL

THIRD READING—POINT OF ORDER—
SPEAKER'S RULING

The Hon. the Speaker: Before proceeding to Orders of the Day, honourable senators, yesterday, as the Senate was about to resume the debate on third reading of Bill C-5 respecting the protection of wildlife species at risk in Canada, Senator Kinsella rose on a point of order. In substance, the senator challenged the report of the committee that was presented on December 4

because, in his view, it contained remarks that were inconsistent with its recommendation to report the bill without amendment.

To support his claim, he cited references from the British parliamentary authority Erskine May, Twenty-first Edition at page 644 and Twenty-second Edition at page 666.

[Translation]

By way of rebuttal, Senator Robichaud claimed that it was inappropriate to raise the point of order now since the report had been adopted immediately after it was presented, that the committee recommended no amendment to the bill and that the debate on third reading was already well underway. In his assessment, the time had passed for any point of order on the committee report.

[English]

Several other senators then intervened to explain their understanding of the report's observations and the procedural acceptability of our practices with respect to observations generally. Other senators also commented on the deliberations of the committee as it studied Bill C-5.

[Translation]

I want to thank all honourable senators for their contributions. They were useful in helping me to better understand the issue in dispute with respect to the point of order. I have had time to consider the arguments that were made and I am now ready to rule.

[English]

I will deal first with the position taken by Senator Robichaud. There is merit to the claim that the point of order ought to have been raised earlier. The report of the committee was presented last Wednesday, December 4, and the motion for third reading of Bill C-5 was moved on Thursday, December 5.

Citation 321 of *Beauchesne's Parliamentary Rules and Forms*, Sixth Edition at page 97 states:

A point of order against procedure must be raised promptly and before the question has passed to a stage at which the objection would be out of place.

Under rule 97(4) of the *Rules of the Senate of Canada*, when a committee reports a bill without amendment, it stands adopted immediately and the senator in charge of the bill is obliged to indicate when third reading will be moved. The automatic adoption of the committee report would have made it difficult to raise the point of order last Wednesday, but it should have been raised on Thursday when third reading of Bill C-5 was moved.

The objection of Senator Robichaud, therefore, is valid. Nonetheless, I am willing to waive this matter with respect to the point of order because I feel it would be useful to the Senate to review certain aspects of our practices as they pertain to observations in committee reports.

For about 20 years, committee reports on bills have sometimes contained observations. These observations are not a procedurally significant part of the reports. Their value, in the view of some senators, is an advisory to the government to pay attention to certain elements of the law when considering future amendments to legislation. Some senators, including Senator Stollery and Senator Murray, have tended to object to the use of observations, but they have, nevertheless, found a place in our practices. They are now fairly routine, as was pointed out by Senator Milne.

In the case of Bill C-5, Senator Banks informed the Senate that the observations were adopted unanimously. Thus, in this instance, the observations cannot be said to represent the views of a minority of the committee. For other bills, however, the observations have represented the views of a dissident minority. Of course, none of these differences matters because, as Senator Andreychuk correctly explained yesterday, the observations are not and have never been a substantive part of the committee's report. That is why, when the Standing Senate Committee on Energy, the Environment and Natural Resources reported Bill C-5 last Wednesday without amendment, the report was adopted immediately as required under rule 97(4) of the *Rules of the Senate*.

This brings me to the core of the argument made by Senator Kinsella and Senator Stratton. Both objected to the committee report on Bill C-5 because, as they put it, the observations, these statements, invalidate it procedurally. As Senator Kinsella described it, the report presents difficulties in substance and process.

To substantiate their position, Senators Kinsella and Stratton cited Erskine May where it is made clear that a committee report must not be accompanied by any counter-statement, memorandum of dissent or protest from any dissenting or non-assenting member or members, nor ought the committee to include in its report any observations which are not subscribed to by the majority.

It is relevant to point out that the citation in the British authority pertains to minority reports. In the United Kingdom, it is established practice that the report of a committee must reflect only the views of the majority. There can be no minority report.

On the same page as already cited, Erskine May states:

It is the opinion of the committee, as a committee, not that of the individual members, which is required by the House, and, failing unanimity, the conclusions agreed to by the majority are the conclusions of the committee.

This position is not much different from our own rule 96(2), which provides that a report of any select committee shall contain the conclusions agreed to by the majority.

Honourable senators, as I have already mentioned, Senate practice has permitted appending observations to reports for almost 20 years, but they have never been accepted as minority reports. Indeed, the observations have no substantive value in terms of our procedure. They can serve, as Senator Andreychuk

explained, as a notice to the government of the views of committee members. They can even provide material for debate, but they have no substantive significance or procedural weight.

In this context, therefore, the citation from Erskine May is not relevant because the observations attached to a committee report of the Senate do not constitute a minority report.

• (1440)

Thus, I can find nothing in substance or process that substantiates the point of order and debate on third reading of Bill C-5, when we come to it, can proceed.

[Translation]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I move, with leave of the Senate, that we first call Item No. 2 under Bills, followed by Item No. 3 and to Item No. 1, and then follow the Orders of the Day as they appear on the Order Paper.

[English]

APPROPRIATION BILL NO. 3, 2002-03

THIRD READING

Hon. Joseph A. Day moved the third reading of Bill C-21, for granting to Her Majesty certain sums of money for the public service of Canada, for the financial year ending March 31, 2003.

Hon. Anne C. Cools: Honourable senators, I wish to speak at third reading. It is becoming increasingly difficult to find an opportunity to do so. It seems to me that, before the Speaker puts the question, he should look around to ensure that no other senator wishes to participate in the debate.

The Hon. the Speaker: If you are rising to speaking on a point of order, I take your comment. If you are rising to speak at third reading, you have the floor.

Senator Cools: Honourable senators, it is a well-known practice in parliamentary circles that, before any question is to be put, the Speaker should ascertain whether any other members wish to speak.

Honourable senators, I wish to speak briefly to Bill C-21, known as Appropriations Act No. 3, 2002-03. I was chatting this morning with the President of the Treasury Board, Lucienne Robillard. I thought the record of this house should reflect the fact that the members of the National Finance Committee feel a great debt of gratitude to the Treasury Board Secretariat for the quality testimony they have provided to this particular committee.

[The Hon. the Speaker]

Honourable senators, in particular, I should like to thank the President of the Treasury Board, Madam Lucienne Robillard. I should also like to thank the Treasury Board officials, Mr. Richard Neville and Mr. David Bickerton, who appear before us frequently and who judiciously present to the committee whatever information they have available. These gentlemen are truly industrious. It is important that our debates in this place reflect our appreciation for that kind and quality of service. The government is well served by these individuals.

By way of clarification, I should like to make a second point. I had hoped that this clarification would have been put forth in a more fulsome way. I will be brief.

If we were to look at Bill C-21, particularly page 22, we would see the appropriation that will be voted on shortly for the Department of Justice. The appropriation is in the form of votes 1a and 5a. Vote 1a is described as "Justice — Operating expenditures," and the amount is \$62,621,757. If we look to vote 5a, again under "Justice — The grants listed in the Estimates and contributions," the sum is \$44,411,117. Honourable senators, the total amount of those two votes is approximately \$107 million.

I have raised this point before, though not in connection with this bill. For posterity, the record should clearly show that, at page 109 of the Supplementary Estimates (A), that famous blue book, the quantum requested for votes 1a and 5a was substantially different.

At page 109 of the Supplementary Estimates (A), under the Department of Justice, vote 1a, "Justice — Operating expenditures," we see the request for \$125,494,673 million, and vote 5a, "Justice — The grants listed in the Estimates and contributions," shows a request for \$53,520,787. Anyone interested in the arithmetic will note that there is a difference between the sum in the Supplementary Estimates (A) and the sum in the Bill C-21. Added together, the difference is roughly \$72 million.

Honourable senators, our record should clearly show that this is not a mistake and that this is properly the appropriation that has been requested by the Department of Justice and by Minister Robillard. This is very much in order. There is no mistake here. The difference represents a quantum that was reduced during the process of supply and during the debates on the Supplementary Estimates (A) in the House of Commons.

If one were to go to page 2337 of the House of Commons debates, one would see the Speaker put a question in respect of an opposition member moving a reduction to the Estimates. I want the record to be clear and accurate about the quantum being asked for in this appropriation bill on which we are being asked to vote.

Looking at the House of Commons debates from December 5, 2002, at page 2337, Progressive Conservative Mr. Peter MacKay had moved:

That the Supplementary Estimates (A) be amended by reducing vote 1a under Justice by the amount of \$62,872,916 and vote 5a under Justice by \$9,109,670 and that the supply motions and the bill to be based thereon altered accordingly.

The Speaker then put the question as follows:

The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

The members obviously concurred and the motion was agreed to.

Honourable senators, Bill C-21 reflects that vote to reduce the Estimates. The \$72 million reduction is the difference between what is before us in Bill C-21 and what was before us in the Supplementary Estimates (A). It is exactly the amount that was moved by Mr. Peter MacKay, Opposition Member.

I am certain that honourable senators will have an interest in keeping our record clear and accurate. We should never allow ourselves to be in a situation where we can be either misrepresented or misunderstood.

It is useful and good for the record to reflect today and clearly show that that the amount being voted on is the amount the government was requesting, and that everything is in order and proper.

Having said that, honourable senators, we can vote with good conscience and with clear unanimity.

• (1450)

Senator Day: Honourable senators, I should like to thank the Honourable Senator Cools for her comments.

Honourable senators, I believe that the chamber is ready for the question on this matter.

The Hon. the Speaker: Is the house ready for the question, honourable senators?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

BUSINESS OF THE SENATE

Hon. Peter A. Stollery: Honourable senators, I rise to request leave for the Standing Senate Committee on Foreign Affairs to sit at 3:30 p.m. today, even though the Senate may then be sitting.

I have spoken to both sides about this. I would point out that 3:30 is the hour at which the committee normally sits.

Hon. Terry Stratton: Honourable senators, other committees, having realized the busy schedule we have before us today, in particular, and over the next few days, decided that, if their meetings were not urgent, they would simply not hold any meetings.

Are the witnesses that are scheduled to appear from out of town? Is there an urgency to this meeting?

Senator Stollery: Honourable senators, the committee is scheduled to hear from two groups of witnesses this afternoon. Of course, it has taken some days to plan for this meeting.

The normal slot for the Foreign Affairs Committee is Wednesday at 3:30. As such, we organized our meeting for today at 3:30. I spoke with the deputy leader about this.

Senator Stratton: As I said before, other committees that meet at the same time decided not to meet, simply because of the busyness of the chamber. Who are the witnesses from whom the committee will hear? If they are from Ottawa, could they not be rescheduled for another day?

Senator Stollery: Honourable senators, clearly, if the committee does not have permission to sit at 3:30, then it cannot sit at 3:30. I do not have with me any material on the witnesses. I cannot remember if one has come from Toronto or not. It is our first meeting on the reference that was approved by the Senate.

Honourable senators, I can only request leave for the committee to sit. I had no way of knowing that it would be impossible for our committee to meet today, which is why I am requesting leave and which is why I consulted with the opposition.

Senator Stratton: Honourable senators, at least three of our members are active on the Foreign Affairs Committee. My concern is that if they must remove themselves from the chamber at a critical time for our side, leaving us with a diminished number, then I have to express my concern about that.

If the matter upon which his committee is meeting is not urgent, I would ask the honourable senator to please consider not having the meeting. If there is no urgency, then why have the meeting?

Senator Stollery: Honourable senators, if the committee does not meet today, its next meeting cannot be held until February. I also consulted with the deputy chairman of the committee, Senator Di Nino, who is not here at the moment. I spoke with him a few minutes ago and he was under the impression that we would be meeting at 3:30.

What else can I say, honourable senators? In my opinion, the committee should meet at 3:30. This is an important matter, and a very urgent matter, because it involves our trade problems with the United States in softwood lumber, the Canadian Wheat Board and a number of other things.

I should like to meet at 3:30, honourable senators. I think I have consulted all the appropriate people on this.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, obviously the witnesses were not invited at 2:30 today to appear at 3:30. Here we are at 2:55, being asked to give leave for a committee to meet in 35 minutes. The witnesses must have been invited some time ago. The committee must have known that it wanted to meet at 3:30. Why was this motion not made yesterday when motions were called? I find it objectionable that we are being asked 35 minutes before a meeting is called, with witnesses scheduled and waiting, to rubber stamp this type of motion. That is not how this place should operate.

Senator Stollery: Honourable senators, I agree with the Leader of the Opposition, in that this is not a great way to run our affairs. However, it is my understanding that there is an arrangement in the Senate whereby committees may meet when the Senate adjourns on Tuesdays and Wednesdays. It is also my understanding that, on Wednesdays, the normal procedure for the Senate is to adjourn at around 3:30, making it possible for committees in that time slot to meet. As a result, I thought this was the proper manner in which to proceed.

I did not move a motion yesterday because I naturally assumed that today, Wednesday, we would do what I thought we had all agreed to do.

I only discovered when I walked into the chamber at 1:30 this afternoon that it was anticipated that today's sitting would be longer than usual. I did not know that until I came in the door.

Senator Stratton: Honourable senators, in anticipation of the length of time the Senate would sit today, two other committees decided not to meet. A third committee asked leave right off the start, at the beginning, when leave should be asked for. How can I agree to tie up at least four people on our side when we are debating issues such as Kyoto? How can the honourable senator ask me to do that?

Hon. Marcel Prud'homme: Honourable senators, my honourable friend talked about consulting with the opposition. We independents should sometimes be put into the mix.

Therefore, I will help the Senate by refusing consent.

The Hon. the Speaker: Leave is not granted.

PEST CONTROL PRODUCTS BILL

THIRD READING—MOTION IN AMENDMENT— DEBATE ADJOURNED

Hon. Yves Morin moved the third reading of Bill C-8, to protect human health and safety and the environment by regulating products used for the control of pests.

Hon. Wilbert J. Keon: Honourable senators, I am pleased to have this opportunity to make a few remarking concerning Bill C-8.

First, I wish to congratulate my friend and colleague, Senator Morin, for the time he has devoted to this bill and for the time he has given me to debate some of the issues I am about to raise.

It is important to note at the outset that Bill C-8 represents an improvement to its 33-year old predecessor. One must acknowledge that Bill C-8 represents the fervent commitment of the federal government to address the issue of pesticide use and its impact on the environment and, consequently, on the safety and health of all Canadians. This includes the most vulnerable of our citizens, our children.

• (1500)

However, there is still room for immediate improvement. The responsibility of the federal government does not end with product registration. Let us emphasize now the protection of human health and safety through appropriate access to

information. I must say, many citizens petitioned us about this. In another matter passed in this chamber, Senator Gauthier aptly said Canadians want to participate directly in the important decisions affecting their lives and those of their children. I ask honourable senators, how can the public be sufficiently informed in this manner? What better way of addressing this issue than by legislation that will provide all the relevant information about the composition of a pesticide?

The public currently has access only to information that was not confidential test data or business information authorized under the regulation, clause 42(4). For example, confidential test data in the registration could be inspected, after submitting a request, by a medical professional requiring the information to make a diagnosis, provide a medical treatment or respond to an emergency.

As it stands, Bill C-8's data access provisions are unduly restrictive, especially compared to information available in the United States, including cases of pesticides registered there by the same companies. The definition of confidential test data and confidential business information must be clarified by indicating: first, the names and contents of active ingredients; second, the names and contents of formulants; third, the names and contents of contaminants; fourth, the results of tests to establish the product's substances, efficacy, and the short and long-term risks to humans, animals, plants and the environment.

These items are not to be automatically deemed confidential business information or confidential test data.

MOTION IN AMENDMENT

Hon. Wilbert J. Keon: Honourable senators, let us remember the current debate on the protection of the environment, from which we must examine the legislation more closely. In keeping with that, I would request that you consider the amendment to the proposed bill as follows:

That Bill C-8 be not now read a third time but that it be amended:

(a) in clause 2, on page 4, by replacing lines 36 and 37 with the following:

“meets the requirements of subsection 43(4).”;

(b) in clause 43, on page 35,

(i) by replacing lines 22 to 39 with the following:

“(5) Information that contains the identity or concentration of an active ingredient, formulant or contaminant in a pest control product is not confidential business information for the purposes of this Act.”, and

(ii) by replacing line 41 with the following:

“designated under subsection (4) does not”; and

(c) in clause 67,

(i) on page 53, by deleting lines 37 to 39, and

(ii) on pages 53 to 55, by relettering paragraphs (o) to (z.5) as paragraphs (n) to (z.4) and any cross-references thereto accordingly.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Yves Morin: Honourable senators, I should like to thank my friend for his interest in Bill C-8, which I think is an excellent bill that has been remarkably well-received in the committee by all stakeholders, the agricultural community, industry, and environment associations.

Concerning the amendment, I think Bill C-8 will make the registration of pesticides very transparent. It will involve the public at each step of the registration, and also establishes an advisory council made up of concerned citizens who will have full access to all information.

Concerning the specific points of the amendment, they deal really with three types of products. The first mentioned were active ingredients. Active ingredients have been and will be completely available to the public. There is no confidential information concerning active ingredients, and this is also the case for the present bill, which dates from 1969.

Concerning the matter of formulants and contaminants, which are also known as inert substances, they will be revealed and made public if there is any concern regarding health or the environment. This is precisely the work of the scientists of the Pest Management Regulatory Agency, which studies pesticides to determine whether they may be of concern to the health of Canadians or to the environment. If there is any concern, the information is immediately made available.

The third point of the amendment deals with the results of tests to establish products or substances. The point of the amendment is to make this public. As you know, many of these tests are, in fact, trade secrets. In spite of that, Canadians who are interested in how the actual tests have been conducted will have access to this confidential information in a reading room within the agency offices, once they have signed the necessary forms and taken the necessary oath that they will not use this information for trade purposes.

In conclusion, honourable senators, this bill is remarkably transparent as far as the regulatory process is concerned. It is on par with other legislation in OECD countries. As far as the one aspect raised in my honourable friend's speech, the matter of protection of children, this bill is actually the most child-protective legislation of all OECD countries.

I strongly invite honourable senators to support this legislation.

On motion of Senator LeBreton, debate adjourned.

• (1510)

SPECIES AT RISK BILL

THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Corbin, for the third reading of Bill C-5, respecting the protection of wildlife species at risk in Canada.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, now that money is available and more is known about pesticides, let us return for a moment to our third reading debate on Bill C-5. I wish to make three points in my comments.

The first point relates to clause 3 at page 7 of the bill, which provides that:

For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from the protection provided for existing aboriginal or treaty rights of the aboriginal peoples of Canada by the recognition and affirmation of those rights in section 35 of the *Constitution Act, 1982*.

Honourable senators, this issue was given some focus in earlier debate in the chamber and in discussions in committee. The report and the attachments that we received from the Standing Senate Committee on Energy, the Environment and Natural Resources was not clear as to whether, as part of the attachments, this was an observation specific to the subject of inclusion of the non-derogation clause. I am certain that was discussed. It would seem that many members of the committee were of the view that the term "protection provided for," which is currently in clause 3, should be expunged from the bill. Although the committee recommended that the bill proceed without amendment, there seemed to be, at the same time, a message from the committee such that those three words, "protection provided for," should be deleted. Simply said, honourable senators, Bill C-5 should be amended.

It is my understanding that the committee had a communication with the Minister of Justice in respect of this issue. If I have a clear understanding of that correspondence between the Chair of the Energy Committee and the Minister of Justice, the minister seems to agree in principle. If such an agreement exists, why is the bill not amended at clause 3 in that respect? The committee should have acted on that.

My second point concerns the area of the report that speaks to the provision outlining the automatic listing, not subject to review by the Governor in Council, of species set out in Schedule 1 on the date that this legislation is enacted. The appendix of the committee's report states that:

As it stands, Schedule 1 only includes species assessed or reassessed by COSEWIC up to November 2001. It does not include the 31 species reassessed by COSEWIC in May 2002, the two species that were emergency listed in October 2002 or the 17 species reassessed in November 2002.

The appendix further states that the minister is expected "to add these species to Schedule 1 immediately upon proclamation of the legislation."

My goodness, honourable senators, the statement from the committee was clear in its message that, immediately upon proclamation of the legislation, certain species should be added to Schedule 1; and they believe this. If that is the case, surely this should be done in the bill. I do not understand why we did not have an amendment to that effect.

Honourable senators, my third point is the issue of compensation. Once again, the committee has advised honourable senators on compensation. It expects that the regulations developed to implement the provisions of the bill will encompass certain principles; and the committee articulates the four principles. The first principle is that "fair market value should be a starting point of the measure of compensation." The second principle is that "monetary compensation may not always be the most appropriate form of compensation and other forms may be made available."

Honourable senators, those views have been well articulated, to the extent that guiding principles have been developed so that the regulations will reflect the view of the committee. Clearly, the bill should have been amended by the committee in such a way that the drafting of the regulations would follow and reflect those principles.

Honourable senators, those are but three areas of the bill that the committee has found deficient. The responsibility was theirs because it is so difficult to deal with a complex bill at third reading in terms of amendment.

MOTION IN AMENDMENT

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Therefore, honourable senators, I move, seconded by the Honourable Senator Rossiter:

That the bill be not now read a third time but that the Bill be referred back to the Standing Senate Committee on Energy, the Environment and Natural Resources for consideration of amendments to the Bill that would accurately reflect the concerns raised in the Committee's Third Report on Bill C-5, An Act respecting the protection of wildlife species at risk in Canada, presented in the Senate on December 4, 2002.

The Hon. the Speaker: Honourable senators, is it your pleasure to adopt the motion?

Some Hon. Senators: No.

Hon. Charlie Watt: Honourable senators, I do believe I know what the Deputy Leader of the Opposition is doing, and I should like to speak to this issue because it is important.

It is almost equivalent to what I did in the committee when we were dealing with Bill C-10A. When I put forward a motion, I looked around me at individual members of the committee and saw from their faces that that was not the way for me to do what I wanted to do — in other words, to put forward that motion, so it was dropped.

• (1520)

Honourable senators, I have a question that I would like to put forward before I speak on the bill itself. In regard to the non-derogation clause, as I have said in the committee and as I have said in this chamber, the government is putting an interpretation on what it states in the Constitution by adding those three words. I would like to deal with that matter separately.

I believe that what we are trying to say to members of the Senate is starting to break through. I think senators are slowly recognizing the ability of Aboriginal people, but we are not quite there yet. I would like to say that we are ready, and everyone understands, but I do not think it is there yet.

I do not want to take the risk of being voted down on this particular non-derogation issue. This is something that the Department of Justice on their own, without any indication or order from Parliament, has decided to —

The Hon. the Speaker: Senator Watt, I just want to interrupt for a moment to clarify where we are. You are entitled to speak to the bill. Senator Kinsella has moved a motion, and you rose after the amendment was put. He had five minutes left in his time. If you want to put a question to him, and I think I heard you say you wanted to ask a question, I would advise you that you have only four or five minutes to do that before Senator Kinsella's time expires. That does not mean you cannot speak to the bill after that.

Are you speaking to the bill or are you asking a question?

Senator Watt: Honourable senators, I was trying to do two things at the same time, but let me correct myself.

The question was to Senator Kinsella. Would the honourable senator be prepared to withdraw that portion of the non-derogation issue so I can deal with it by other means when I speak on the bill?

The Hon. the Speaker: Do you wish to take that question, Senator Kinsella?

Senator Kinsella: To be helpful, honourable senators, the pith and substance of my motion is a suggestion that the committee do a little bit more work on the bill by looking at a number of issues. I mentioned clause 3 only because it came up in committee. I am not proposing a substantive amendment to the bill because it is very difficult to do that with such a complex bill at the third reading stage. It is much better that it be done at committee stage. The honourable senators suggestion as to how that may best be handled should be determined, in my view, by the committee, and I would hope that the committee would re-address that.

Senator Watt: Honourable senators, I understand now what the honourable senator is trying to do, and I reserve my right to speak later on the bill itself.

The Hon. the Speaker: Are you moving adjournment of the debate, Senator Watt?

Senator Watt: No.

The Hon. the Speaker: We are at third reading, Senator Watt. If you want to speak, this would be your time to do it.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, we are at third reading. If no other senator wishes to speak to this amendment proposed by Senator Kinsella, we should dispose of it. Senator Watt asked a question. It would appear that he intends to speak later to the bill, and not the amendment.

[English]

Hon. George Baker: Honourable senators, I rise on a point of clarification. If the honourable senator wishes to speak, the motion put by the Deputy Leader of the Government was so general in nature that I am sure he can give his speech and it would relate to the bill and to the amendment that we will vote down.

The Hon. the Speaker: For clarification, I think I am hearing a wish of this house to deal with the amendment now.

Hon. Senators: Yes.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Those in favour of the motion in amendment please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion in amendment please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the "nays" have it. The motion in amendment is defeated.

We are now on third reading of this bill.

Senator Watt: I think I am finally on the right order.

Honourable senators, let me begin by saying that it has not been easy dealing with this particular bill and all the other bills that have an impact on the people I represent.

Honourable senators, I appreciate the fact that the bill gives Aboriginal people the right to take part in matters with regard to putting species that might be considered endangered on the list, so at least there is a potential that the traditional knowledge can be used through this piece of legislation. I do appreciate that Aboriginal people can be participants.

However, honourable senators, what happened with the non-derogation clause, as stated in Bill C-5 itself is bothersome to Aboriginal people, and that is putting it lightly. It certainly puts us Aboriginal people in the position of wondering about the system. At the time when we negotiated with the Crown to establish our constitutional rights, we had section 35 and the non-derogation clause. We did have faith then, and we continue to try to have faith in the system that should have a responsibility to protect the rights of Aboriginal people.

I know for a fact that at times it is perceived that there is not a need to protect Aboriginal rights, especially when dealing with a piece of legislation, because you can easily put a twist to the actually wording without impacting the Constitution itself. You could alter those rights and give them a different spin through a piece of legislation, and that is exactly what we worry about. This is one of the reasons we feel that the words put in by the Department of Justice, "protection provided for," should be removed.

• (1530)

Honourable senators, I have no hesitation, whatsoever, to put forward an amendment to this particular issue. However, the fact is that I do not think this chamber is ready to entertain the idea of making an amendment. I will tell honourable senators why.

First, the House of Commons has made it absolutely clear that this bill must go back to the House of Commons without amendment. Second, all honourable senators, including myself, are anxious to go home for Christmas. Once again, I am caught in that bind. I am damned if I do and damned if I do not.

Honourable senators, my purpose in speaking this afternoon is at least to put my view on the record. This is the least I can do. I do not want to take any chance that honourable senators will vote me down. One day, my honourable colleagues will rely on me, and I am also relying on them.

I work as hard as I can to be a team player, but at times it is impossible. I come from a very different background than most senators. Foremost is the people that I represent. They are important to me. I understand their lifestyle. I know what they do. I know what makes them tick. I know what they do to bring food to their families.

There is very little opportunity for the people in the North to have equal access to the system that is taken for granted in the rest of Canada, especially in this house. One day, I hope the country, especially the system, will understand that it cannot continue — I repeat, "continue" — to treat the people of the North the way they are treated today. One glove does not fit all. I hope that is absolutely clear.

I know the gun law was passed in 1995. I tried to be instrumental when it was first introduced. I suggested a two-tiered system, one for the North and one for the rest of Canada? The answer was that that was not possible.

I am counting on all honourable senators that one day we will have a clear understanding on these issues. People, regardless of where they live, have a right to life. That right to life is clearly

expressed within the Constitution. I do not feel that that right is being honoured and respected by the system we have today.

Honourable senators, if the atmosphere were different, I would move a motion in amendment, which would state, for the purposes of the record, that it was moved by Senator Watt, seconded by Senator Sibbeston:

That Bill C-5 be not read a third time, but that it be amended

(a) in clause 3, on page 7, by replacing line 25 with the following:

"derogated from"; —

— which would remove those three words.

The motion in amendment would continue as follows with respect to compensation:

(b) in clause 64, on page 35, by replacing lines 31 and 32 with the following:

"(b) an emergency order in respect of habitat or harvesting or other activities identified in the emergency order that are"; and

(c) in clause 83, on page 46, by replacing lines 18 and 19 with the following:

"harvesting activities in accordance with conservation measures or any other measure for wildlife species under a land".

That is the motion in amendment to Bill C-5 that I would have moved.

As honourable senators know, I included the compensation because we talked about that. Senator Kinsella correctly stated that.

Why did I mention the land claims issue? The land claims, the so-called modern-day treaties, are explicit in terms of how we deal with the government authorities. The mechanics and mechanisms have already been negotiated.

Three words were added to the non-derogation clause of the bill, but they do not do the trick.

One could ask whether this bill and other statutes that contain the non-derogation clause are constitutional or unconstitutional. Honourable senators can see why I would not have wanted them to vote against my motion in amendment. I would not have wanted to give the wrong message to the Supreme Court of Canada.

Thank you, honourable senators, for giving me the opportunity to speak from my heart. I do believe I speak for Senator Sibbeston, Senator Adams and Senator Gill. This issue is important to all of us.

Hon. A. Raynell Andreychuk: Honourable senators, Honourable Senator Watt ended by saying that this issue was important to the senators that he listed. It is more than that. These issues should be important to each and every senator in this chamber. The rubber hit the road for me when I had to make my first choice as to whether I would respect Aboriginal rights and handle my fiduciary responsibilities appropriately.

It saddens me to hear the honourable senator say today that there is some pressure that we must go home for Christmas and not deal with this issue, that the House of Commons is putting pressure on us by saying that they do not want this bill amended. Surely, if we are to discharge our responsibilities to Aboriginal people — and with respect, that is not to you but to Aboriginal people — is it not time to take a stand and put the Christmas season into perspective on this issue?

I understand why the honourable senator does not want to move his motion in amendment. I understand the jeopardy it may put him in, but now that we have had a proper airing in this matter in the chamber, is he against referring the bill back to committee so that it may reconsider how fundamentally important this bill is to Aboriginal people and to all of Canada? Perhaps some sober second thought by the committee would be appropriate. Would he reconsider the fact that, perhaps, the time is now, not tomorrow and not the next time? I feel, upon hearing the honourable senator, that it is important to keep this dialogue going. The honourable senator says there is some movement on this matter. Surely, from this side and this caucus, I have heard nothing but support for the position that the honourable senator is taking.

Senator Watt: Honourable senators, I do believe the time is now. Even though I strongly feel the time is now and even with all the good intentions that have been put forward by the deputy leader on the other side, this matter has been considered in the committee. I do not think I am too far off when I say that any motions in amendment would be voted down. We do not have the necessary numbers at this point. Hopefully, down the road we will have the numbers to support something like my motion in amendment. I do not feel, today, that we have that support. That is one of the reasons that I had to make that last-minute decision.

• (1540)

Honourable senators, this morning I was still planning to put forward that amendment because I had the feeling, from what was said yesterday, that there was a possibility that some senators would vote in favour of it. I thought that we might have an edge. However, several senators asked me if I intended to keep them here for Christmas.

Honourable senators, the numbers are stacked on the side of my amendment not winning the vote even if a few senators from the Liberal side voted in favour of it.

What is of paramount importance to me today is that we do not give the wrong message to the Supreme Court of Canada on this issue. I do not know what impression would be, given if the amendment were defeated, and I cannot take that chance.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I find it most disheartening and discouraging to hear a senator from the majority side on such

an important issue as the treatment of Aboriginals and the recognition of the special place that they have in our country, historically and at present, living under circumstances different from those under which the rest of us live, having to publicly admit that there is no support from others in his community for even considering an amendment or sending the bill back to the committee for further study. I find that disheartening and discouraging, a feeling which, I am sure, is shared by others.

I would like to reflect on what Senator Watt has told us today and read in his remarks. I move the adjournment of the debate.

The Hon. the Speaker: Before I put that question, Senator Baker has requested permission to speak.

Senator Kinsella: Honourable senators, an adjournment motion is neither deferrable nor debatable. A motion to adjourn has been moved.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, we have always had a policy in this chamber to leave the adjournment in the name of Senator Lynch-Staunton. We are not trying to take that away from him. If somebody wishes to speak at a particular moment, they must be given permission to speak at that moment.

Senator Kinsella: Agreed.

Senator Baker: Honourable senators, Senator Watt informed me this morning that he had made his decision. I have watched Senator Watt, Senator Adams and Senator Sibbeston, a former premier of the Northwest Territories, deal with the multiple whammy of the deadline for the gun control criminalization being January 1, 2003, species at risk, as it affects Aboriginal seal hunting, and the proposed cruelty to animals legislation.

A few moments ago, an honourable senator talked about pith and substance, a well-known term that we use in judging the object of legislation.

Honourable senators, just this week, 108 sealers were charged with the sale, trade and barter of sealskins under a federal regulation. That is clearly a matter of provincial government jurisdiction. We can debate sections 18 and 19 of the Constitution. The appeal courts of Newfoundland and Quebec ruled that it was, in fact, a provincial jurisdiction, but the Supreme Court of Canada said that it was not because the pith and substance was that, in order to control something in the ocean, it could legally extend or encroach upon a provincial jurisdiction. Therefore, the sealers were charged this week under a federal regulation.

In committee, witnesses told us that the gun control law should be changed to allow members of the FBI and the CIA, who are required to carry guns, to move through Canadian airports. The government wants to exempt them from all of the rules and regulations. At that point, Senator Adams posed the question, and I paraphrase: If we exempt those people because it is their job to carry a gun, why would we not exempt all of the people in my area because it is their job to carry guns?" The question went over the heads of the legal experts who were before the committee.

Honourable senators, Senator Watt told me of his decision this morning. I respect his decision. He has done a mental balancing act. The Minister of Justice has lobbied him. Letters have been sent to the chairman of the committee. He has been assured that he need not be concerned.

In dealing with the issue of species at risk, the question of compensation was one of the major issues that he pursued in committee. He asked if compensation would be paid to somebody whose livelihood would be taken away because a species had been declared as endangered. The answer came back, "We do not know." The definition of compensation in the bill, we believe, has to do only with the habitat, the destruction of the physical environment. That would be cause for compensation, but not the loss of the livelihood of the people.

However, when legal witnesses appeared before the committee and were asked about their understanding of the situation, they told us that the compensation provisions would cover individuals.

Honourable senators, Senator Watt has made a decision. He has balanced all of the considerations, and he has come to the conclusion that perhaps the best bet for the people he represents is to do what he has done today.

Senator Watt read out a resolution. He told this chamber what he would have put forward had he thought that he would be improving the situation of his people more than what could be achieved as a result of his lobbying. He has made his decision.

Honourable senators, there is pith and substance in this proposed legislation. The honourable senator read clause 3. I would draw your attention to clause 4 which proposes to extend Canada's jurisdiction beyond the 200-mile zone, which is absolutely illegal. It cannot be done unless we ratify the Law of the Sea, — which the Canadian government has not done, but should have done — and apply under article 6 of the Law of Sea to extend jurisdiction.

Honourable senators, there are former premiers in this chamber who passed laws completely outside of their jurisdiction. The former premier of Nova Scotia who is here passed such a law in his fourth term as premier. I do not know how many terms he was in office, but he reminded me of Joey Smallwood of Newfoundland. Forty years ago, when I was working in New Brunswick, Joey Smallwood and I met at the Lord Beaverbrook Playhouse. He asked me to go to Newfoundland and work for him on the laws of Newfoundland. I said, "No, I want to go to law school." He said, "Why go to law school? We have a system in Newfoundland where all you have to do is article for three years while you work for me." In fact, honourable senators, I did that. I went to Newfoundland where the first issue we dealt with was claiming jurisdiction out to 100 miles off the coast of Newfoundland. We placed a plaque there.

• (1550)

I will give you another example of a premier doing something completely illegal. I got a phone call one day from the opposition leader who said that the premier of Nova Scotia had just introduced a bill to extend jurisdiction to what was called, in

1920 terms, "the extent of exploitability over the ocean floor." In 1980, that meant seizing the entire Atlantic Ocean, including the coast of Africa. I told the leader of the opposition in Nova Scotia that he should tell the people of Nova Scotia that the premier was crazy, that this cannot be done.

Honourable senators, the leader of the opposition took my advice and I think the premier got elected for his fourth term shortly thereafter.

Getting back to the subject under discussion, that is, the pith and substance of the bill before us today, I watched senators, including Senator Sparrow, work at the committee to try to convince the authorities that they were not dealing with reality in some of the things they were telling us. They have spent sleepless nights over the past two or three weeks and have come to a decision. I respect their decision and I can tell you, Mr. Speaker, that senators who support these honourable senators today will support them even more to ensure that what they believe they may be able to accomplish will in fact be accomplished.

Hon. Senators: Hear, hear!

Hon. Jeremiah S. Grafstein: Honourable senators, Senator Baker may be unaware that in the Senate we address each other, rather than the Speaker. I say this with no disrespect to the Speaker. Senator Baker may wish to read rule 32.

Senator Carstairs: Honourable senators, Senator Baker indicated in his closing comments that the Aboriginal members of this chamber will have a great deal of support as we go through a very important process that began, I believe, in March of this year. I would assure those senators that I will be at the top of their list of supporters.

In the last few years, there has been a very mixed approach to the non-derogation clause. We started with a non-derogation clause with a certain wording. Then, with no explanation that was satisfactory to me, the wording of the non-derogation clause was changed. Aboriginal senators struggled with how they would deal with this. They believe, as do I, that their fundamental protection is in the Constitution and that non-derogation clauses were added to legislation for greater certainty. However, if they were added for greater certainty, why was the wording changed? That is a fundamental concern.

We have gone through a series of steps. Last year, the Nunavut bill was before us and the decision was made that, because land claims and treaties had been signed, the non-derogation clause would be withdrawn. We had another bill, the name of which I cannot immediately recall, in which we left the non-derogation clause with its new wording. We currently have a bill before us with wording different from the original wording, and Senator Watt and his colleagues have once again raised the concern about how we bring clarity to this issue.

For that reason, a series of letters were sent from Senator Banks, the chair of the committee, first to the Minister of the Environment, because it was his bill, and then to the Minister of Justice. A decision was made at the cabinet level that this issue

[Senator Baker]

had to be resolved. That is why the government, in a letter to Senator Banks, clearly stated that, in March of 2003, legislation will be introduced to establish, once and for all, the wording of a non-derogation clause, or lack thereof, in order to deal with the derogation issue.

That is critical because it is not helpful to the process to deal with the issue in a piecemeal fashion. We need to bring the topic to the Senate and we must have a fulsome discussion, not only with Aboriginal senators but also with Aboriginals throughout the country because, as we all know, various Aboriginal peoples are listed in the Constitution. The Inuit, the Metis, status Indians and non-status Indians are listed, and we need to learn what all of them think.

I would assure my colleagues — particularly Senator Watt, Senator Adam, Senator Sibbeston, Senator Gill and Senator Chalifoux — that they need not depend upon only themselves for support; they can depend on me.

Hon. Senators: Hear, hear!

Senator Watt: Honourable senators, new elements have been added by our leader with regard to what the minister has stated he intends to do in March.

I have a great deal of concern about that. Stand-alone legislation that the minister is talking about is an option. In his letter, the minister talks about removing the non-derogation clause from each piece of legislation and says that there will be no reminder of non-derogation clauses in future legislation.

I am concerned, honourable senators, that this will not rectify the matter. I think that the minister must go a step further because, from time to time, there is definite infringement on Aboriginal rights. How will that infringement be dealt with? If it is weighted too much in the government's favour, we will lose that which we thought we had negotiated and for which we thought we had constitutional protection. This is a very dangerous way to go. Without much expense, we could easily remove that non-derogation clause from the five pieces of legislation where it is found, but we could include a proper non-derogation clause in future legislation. To me this makes a great deal more sense. At least if we go down that avenue I need not worry about what the minister might be trying to do.

• (1600)

Honourable senators, there is one thing I know for a fact because I was involved in signing what we have in the Constitution. I was one of the people involved right from the very beginning, so I feel I know what I am talking about. The reason section 25 was put in the Constitution is to protect section 35.

Section 35 is made up of detailed agreements like the James Bay-Northern Quebec Agreement, the Nunavut Agreement, the Gwich'in Agreement, the Yukon Agreement, all the modern-day treaty agreements. However, from time to time Parliament has the authority to make laws, and they may infringe on our rights. If

the legislation is not dealt with properly, if we never have an opportunity to sit down and negotiate, there may be certain things that will have an impact on us and we will lose along the way.

Honourable senators, we do not want that. We would like to have a reasonable chance to sit down and work out a regime as to how the entrenchment can actually take place. However, if it is to be one-sided, without the direct input of our people, I am worried that the minister might not do what he said he would do.

Senator Carstairs: Honourable senators, in answer to Senator Watt's question, that is exactly what I indicated this afternoon. As the honourable senator knows, because I told him yesterday, I specifically asked the minister to bring this issue to the Senate in draft form. In other words, instead of having a tight bill we would have greater flexibility to develop this policy together with all members of the chamber and seek the opinions of those outside the chamber.

Let me state one thing that is absolutely paramount, and then I am afraid I cannot take any more questions because I must go to the Governor General's. The rights of Aboriginal people have been entrenched in the Constitution. The Constitution cannot be amended by a simple law passed in the House of Commons and the Senate. The Constitution can only be amended via the proper amending formula set out in the Constitution, so the rights are there.

I believe the rights are protected but — and this is the big but — it is clear, honourable senators, that there is the need for some clarity. That is why I have put all the limited powers of my office to work in order to ensure that we get that clarity, in order that the Justice Minister makes us understand that there are serious concerns not just among Aboriginal senators but among many senators, including me.

Senator Grafstein: Honourable senators, the Leader of the Government made reference to a letter that is the subject matter of Senator Watt's concern, and that is a letter of commitment to introduce early legislation to resolve the non-derogation matter. Is the Leader of the Government prepared to table that letter so that we may have it as part of the record for this debate?

It has been brought to my attention that there is not one but two letters, dated November 27 and December 3. I was not a member of the committee but, since the Leader of the Government raised it and put it on the record, it might be helpful for those letters to be tabled. However, I leave that to the Leader of the Government and the Deputy Leader of the Government.

[Translation]

Senator Robichaud: Honourable senators, these letters were provided as reference material to the Chair of the Standing Committee on Energy, the Environment and Natural Resources, which was considering Bill C-5.

[English]

Hon. Terry Stratton: Honourable senators, I move the adjournment of the debate.

[Translation]

Hon. Laurier L. LaPierre: Honourable senators, I wanted to rise in this debate, which I believe is essential for Canadians. What just happened is quite scandalous. When Canadians read the newspapers and see today's remarks about our inability to meet the needs of our First Nations, we will look foolish. Since this debate has already been adjourned, I will not continue.

On motion of Senator Stratton, debate adjourned.

CODE OF CONDUCT AND ETHICS GUIDELINES

MOTION TO REFER DOCUMENTS TO THE STANDING COMMITTEE ON RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Robichaud, P.C., seconded by the Honourable Senator Carstairs, P.C.:

That the documents entitled: "Proposals to amend the Parliament of Canada Act (Ethics Commissioner) and other Acts as a consequence" and "Proposals to amend the Rules of the Senate and the Standing Orders of the House of Commons to implement the 1997 Milliken-Oliver Report", tabled in the Senate on October 23, 2002, be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament;

And on the motion in amendment of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Losier-Cool, that the motion be amended by adding the following:

"That the Committee, in conjunction with this review, also take into consideration at the same time the code of conduct in use in the United Kingdom Parliament at Westminster, and consider rules that might embody standards appropriate for appointed members of a House of Parliament who can only be removed for cause; and

That the Committee make recommendations, if required, for the adoption and implementation of a code of conduct for Senators, and concerning such resources as may be needed to administer it, including consequential changes to statute law that may be appropriate."

Hon. Gérald-A. Beaudoin: Honourable senators, I would like to say a few words regarding the Code of Ethics bill now before the Senate. I have listened to the remarks of my fellow senators, in particular those by the Honourable Senator Joyal. He raises some

interesting questions and concerns, which deserve some thought and, of course, in-depth consideration in committee.

Senators' privileges are written in part and unwritten in part. Section 18 of the Constitution Act, 1867, dealing with the privileges of senators and members of Parliament, was repealed in 1875 and replaced by a new section which provides that the Senate, the House of Commons and the members of these two chambers hold, enjoy and exercise the powers, privileges and immunities defined in an act of Parliament. However, such act shall not confer privileges exceeding those that the Commons House of Parliament of the United Kingdom of Great Britain and its members may hold, enjoy and exercise at the passing of such act.

This text must be read in conjunction with the Parliament of Canada Act. Under section 5 of this act, these privileges, immunities and powers are part of the general and public law of Canada and they shall be taken notice of judicially by judges.

Since 1949, the federal Parliament could have amended section 18 of the Constitution Act, 1867, under section 91(1). Section 91(1) was repealed in 1982 and replaced *mutatis mutandis* by section 44 of the Constitution Act, 1982.

• (1610)

The issue of parliamentary privileges and the Canadian Charter of Rights and Freedoms was raised in the *New Brunswick Broadcasting Corp.* ruling. In this case, the issue was the freedom of the press. The court had to decide whether the media have the right to film parliamentary debates with their own cameras and control production and the subsequent use of the resulting films. Currently, the legislative assembly controls its own cameras, but allows the media to use the films that it produces. However, these clips only show the person who is speaking; they do not reflect the atmosphere or the reactions of the other members of Parliament during debate.

The Supreme Court ruled, based on a number of grounds, that the parliamentary privilege to exclude outsiders is protected under the Constitution and, therefore, cannot be superseded by section 2(b) of the charter.

I simply want to draw your attention very briefly to the right to privacy.

Honourable senators, the draft Code of Ethics merits serious and careful examination, particularly in connection with how it affects privacy rights. Since the 1982 Charter of Rights is our greatest legacy since Confederation, in 1867, I believe there needs to be a more thorough committee study of the right to privacy. There are limits that need to be set, limits on the invasion of privacy. A code of ethics must respect the right to privacy, which is very hard to delineate in constitutional law. For this reason, the entire matter should be referred as expeditiously as possible to the Committee on Rules, Procedures and the Rights of Parliament for a very thorough investigation of the right to privacy. This is one of the most important rights in the Canadian Charter of Rights and Freedoms, which, as I have said, is part of the very core of the Canadian Constitution.

English]

Hon. Jeremiah S. Grafstein: Is it possible to ask Senator Beaudoin a question or two?

The Hon. the Speaker *pro tempore*: Senator Beaudoin, will you take a question?

Senator Beaudoin: Yes.

Senator Grafstein: Senator Beaudoin raised an interesting question about the rule relating to any attempt by Parliament to limit the powers and privileges that were known at the initiation of the Constitution. In regard to the proposals tabled by the government, does the honourable senator view the imposition of an Officer of Parliament, who would be more accountable to the Commons than to the Senate, as a reduction in the powers and privileges of senators?

Senator Beaudoin: As I said at the beginning of my intervention, this is a concern. The right to privacy is a fundamental right that has been sustained, supported and confirmed by the Supreme Court of Canada. The Supreme Court has rendered more than 400 cases on the Charter of Rights and Freedoms. They are very generous to the fundamental rights of expression and equality before the law. One of these fundamental rights is the right to privacy.

Several honourable senators have raised many points. I come to the conclusion that a *prima facie* restriction in the areas of fundamental rights is probably unconstitutional. That is my initial reaction to the question of Senator Grafstein. The subject is so complex and fascinating. However, it is with the experts and senators in committee that we may perhaps weigh the invasion of privacy rights, the rights of expression, equality, et cetera.

The legislative branch of the state, with all its privileges, has latitude that even the Supreme Court respects. Their lordships conduct themselves with that in mind and I congratulate them for it. A complete and in-depth study should certainly be undertaken before the committee of experts. I cannot be too precise, because we may speak for hours and hours on this subject.

The restriction of a freedom that is clear-cut in the Charter of Rights and Freedoms, and of freedoms that are interpreted by the Supreme Court so generously, requires prudence and examination. The mere fact that there is an invasion of these rights is, *prima facie*, unconstitutional. However, under section 1 of the Charter, we may say that the restriction is acceptable in a free and democratic society. The onus of evidence rests with legislators. I cannot be more precise than that. We must study each case on its own merit.

On motion of Senator Comeau, debate adjourned.

KYOTO PROTOCOL ON CLIMATE CHANGE

MOTION TO RATIFY—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Banks:

That the Senate call on the government to ratify the Kyoto Protocol on Climate Change,

And on the motion in amendment of the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator Murray, P.C., that the motion be amended by substituting for the period after the word "Change" the following:

" , but only if, after the Senate has heard in Committee of the Whole from all federal, provincial and territorial government representatives who wish to appear, the Senate determines that there is a substantial measure of federal-provincial agreement on an implementation plan."

Hon. A. Raynell Andreychuk: Honourable senators, though this motion stands in my name, I yield to my colleague, Senator Eyton, and I propose to speak after his intervention, if I may.

Hon. J. Trevor Eyton: Honourable senators, global warming is not yet the most common topic at our nation's dinner tables. I believe this will change as Canadians, through the lens of the Kyoto accord, become more acquainted with their environment and how critical it is to Canadians and our way of life.

The Kyoto Protocol basically relates to only one aspect of our environment and that is how to reduce the amount of greenhouse gas emissions in the atmosphere as part of a global undertaking. People are somewhat vague at present about the details and unhappily that includes our own federal government, in particular. This vagueness is not surprising, given the newness of the topic and the daily changing positions of our federal government on the various elements of the accord.

• (1620)

To put things in perfect perspective, honourable senators may recall that it was in 1988 that the United Nations and the World Meteorological Organization together set up the Intergovernmental Panel on Climate Change. Its mandate was to study a variety of issues related to climate change, including the then relatively unknown subject of global warming.

Out of the work of this committee came the United Nations Framework Convention on Climate Change. In 1992, this convention was ratified by more than 100 countries in spite of the fact the science behind this convention was then, as now, still uncertain and much in debate.

Five years later, Canada and some 150 other nations went to Japan and signed what we now refer to as the Kyoto agreement. At the heart of this agreement was a commitment by the signatory nations to reduce greenhouse gas emissions.

The emission reductions negotiated under the Kyoto Protocol are to be implemented in two stages. For brevity's sake, we should call them up to 2012 and post-2012. The first stage, covering the period up to 2012, applies to what are called Annex I countries. These are the world's developed nations, including only Canada and the U.S. in the western hemisphere.

On the face of it, the Kyoto accord commits these 38 Annex I countries to reduce their greenhouse gas emissions by 2012 to levels approximately 5 per cent below those of 1990. The stated thinking here is that the developed nations have created the lion's share of the problem, so they should take the lead in fixing it. The underlying reason, in my view, is that the developing countries are simply not going to sign on unless they were exempted for a period during which they would have the opportunity to attract investment and, with it, economic growth at the expense of the developed countries. In other words, it is a catch-up opportunity representing a transfer of wealth from the developed countries to the developing countries.

Accordingly, prior to 2012, developing nations, including even immense ones like China, India and Pakistan, are exempted from mandatory reduction targets, and this notwithstanding these countries account for something approaching 50 per cent of today's greenhouse gas emissions, with more to come.

It should be noted, however, that these developing nations are free to set voluntary targets, if they so wish. I will let honourable senators judge for themselves the chances they will do that. In any event, the developing countries have been invited to ratify the agreement in order to show their support for the principle involved including, presumably, the competitive advantage they will thereby acquire.

The expressed fond hope is that once the developing countries see the developed nations sign on and implementing emission reductions, they will be encouraged to follow suit during the second phase of Kyoto set to begin in 2013. Again, this is not mandatory but fondly hoped for. However, before Kyoto can come into force two main criteria must be met. The first is that 55 parties to the convention have to ratify it. The second is that at least six Annex I countries, representing a minimum of 55 per cent of the total 1999 greenhouse gas emissions, must also agree to ratify it.

To date, more than 90 countries have signed on to the protocol. Even Russia and China have recently signalled they will be following suit. Again, time will tell what that is worth, given their less than transparent economies.

The fly in the ointment thus far is that Annex I signatories among the ratifiers account for only 37 per cent of total 1999 Annex I emissions. Thus, there is still some way to go. The main difficulty here is the United States which, in the protocol baseline year, was responsible for 36 per cent of total Annex I emissions. The Bush administration has announced it will not ratify the protocol.

It has given a number of reasons for this, but the most compelling, from their point of view, is that Kyoto will not succeed in its objectives while its strictures would put the U.S. at a competitive disadvantage. Moreover, the U.S. believes it can achieve the Kyoto targets with initiatives developed and undertaken in the U.S. consistent with its own needs and values.

Elsewhere on this continent, Mexico has ratified the accord but there will be no immediate reductions there because of its status as a developing country.

That brings us to Canada, which is currently responsible for 3.3 per cent of Annex I emissions. In terms of total world emissions, we sit at something less than 2 per cent. In that circumstance, our Kyoto commitment is to reduce our greenhouse gas emissions to levels 6 per cent lower than 1990 by the year 2012. In other words, we have committed to reduce our emissions by a total of 240 megatons over the next nine years.

This is to be achieved, as mentioned earlier, in two stages, the first involving a 180 megaton reduction by 2012, which itself is short of our Kyoto commitment, and the second, a 60 megaton reduction, representing our shortfall to come later.

To reach our Kyoto target, major industrial polluters will be required to reduce emissions by 15 per cent between now and 2012. Automobile makers will have to improve the fuel efficiency of their vehicles by 25 per cent. Individual citizens will be asked to cut their personal production of carbon-based pollution by 20 per cent through buying more fuel efficient cars and making more intensive use of public transit, et cetera.

One obvious problem with this scenario is that it does not take into account what has been happening over the past decade, or what will happen over the next. By that, I mean that since 1990, when we began talking about this issue, and today, our greenhouse gas emissions have risen by some 15 per cent — whoops! Over the next decade this trend will likely continue as our population grows, economic development expands and energy consumption rises to keep up with increased demand.

As a result, it has been calculated that by 2012 we will be responsible for reducing our emissions of greenhouse gases to the tune of 25 to 30 per cent in order to meet our protocol commitments and not the stated 6 per cent. Obviously, this will have a significant impact on both consumers and business. In particular, businesses big and small will be faced with the task of adjusting their investment and employment strategies to meet the increased demands of satisfying our Kyoto commitments. Big corporations will face some pretty tough decisions regarding the introduction of new technologies, the installation and upgrading of essential infrastructure and their commitment to sustainable development programs and the like.

A couple of weeks ago, the federal government acknowledged that ratifying Kyoto could cost the country up to 240,000 jobs and \$13.5 billion over a decade. These are serious numbers which, if accurate, need some equally serious consideration before we proceed with the ratification. Remember, honourable senators, these are the same people who are bringing in the relatively simple gun registration program at a cost more than 10 times the amount budgeted and originally given to Canadians.

Lest some get the wrong impression, I support any reasonable measures to preserve the environment, provided they are well and truly thought out and do not unjustly penalize particular groups or classes of individuals. However, we should not be adopting public policy on the fly, with no real understanding of the short and long-term implications. I fear this is the case with the Kyoto Protocol.

Remember, honourable senators, even if we achieve our Kyoto commitments we as Canadians are dealing with something less than 2 per cent of the world's total, so that any Canadian reduction will pale beside the significant increases coming from the exempted developing countries which even now approach 50 per cent of the world's total. Keep that in mind and let us consider for a moment the prospective impacts on Canada and Canadians.

According to Kyoto forecasts, so-called large industrial emitters like petrochemical plants, mining corporations and large manufacturing interests will contribute almost half of Canada's emissions by 2010. Many of these industries are already actively involved in reducing emissions. However, under Kyoto, they will be required to more than double their present reductions to meet the targets Canada agreed to in 1997.

To do this, they will have to make major new capital investments, acquire new and cleaner sources of energy, purchase domestic offsets or international carbon permits and so on. Are these businesses ready and able to meet these demands? For example, can our mining companies, already experiencing difficult times, be in a position to make the required additional investments? If these industries cannot, what should we be doing to help them so as to keep jobs and investment here in Canada?

The federal government has recognized that there could be circumstances where an industry falls short of its commitments for whatever reason, and it is making allowances for those industries to make up the difference post-2012, again outside our Kyoto commitment.

Is that enough? The problem, honourable senators, is that the impacts to industry are unknown. The federal government says it plans to continue discussions with industry so as to refine the details of how Canadian companies can meet their Kyoto targets. Indeed, just this week the federal government announced it would consider capping Kyoto costs to industry by, in effect, transferring excessive amounts to taxpayers — some solution, and open-ended at that. Can this be the proper way to proceed?

There is much unease in the business community at the federal government's lack of precision in its statements and actions to date.

• (1630)

There appears to be no commitment to any specific course of action, other than the targets themselves, that were largely negotiated by others, without any regard to Canadian needs and challenges, and in particular without any regard to the thinly populated massive land mass represented by Canada and to the significant clean energy exported by Canada to the U.S. as a contributor to their program to reduce greenhouse gas emissions.

There is also a widespread feeling that politics are playing much too much of a part in this process. This is making many people unhappy. For example, Canadian Natural Resources, a developer in the oil sands industry, recently took \$100 million it had put aside for a development project in Alberta and reallocated it to a similar project in Africa. According to the project's leader, it did

so because Kyoto "did not bring the clarity required to make decisions." In other words, while Kyoto's ultimate goals are laudable, the uncertainty about its implementation and impacts led the company to believe it would be imprudent to invest in a massive multi-decade project in Canada when there was another attractive and more certain opportunity elsewhere.

It is not only in the energy area where people are feeling uncomfortable. It is everywhere in the business world, where managers are responsible for investing large sums of money in long-term ventures that must have maximum certainty. It was Perrin Beatty, wearing his hat as President of Canadian Manufacturers and Exporters, who not long ago summed up what many in the business community are thinking about Kyoto. "Canadians," he said, "deserve a detailed plan that spells out the costs and necessary actions on the part of industry and individual citizens for Canada to achieve its" Kyoto "target." Or to quote Nancy Hughes Anthony, who heads the Canadian Chamber of Commerce representing over 200,000 Canadian businesses, "the Kyoto targets and timelines still pose challenges to industry, and the government has not calculated how much taxpayers, consumers and business will need to spend to implement Kyoto."

Honourable senators, ratifying the Kyoto Protocol will commit Canada to legally binding reduction of greenhouse emissions. Before we sign, we should know with some precision what it will cost us. We need to know, for example, how much we will have to pay in the international market for carbon permits; and how much it will cost to purchase domestic credits; and when new technologies will reduce or provide alternate energy usage available on a wide scale; and how Canada will meet the second stage 60-megatonne reduction called for under the protocol; and, on a larger and more immediate scale, what impacts the Mexican exemption and the U.S. decision not to ratify Kyoto will have on investment here in Canada, given that some 90 per cent of our trade and investment is with these NAFTA partners. Last week, we had an indication when Michael Grimaldi, President of GM Canada, warned that ratification of Kyoto could create different vehicle standards from those in the U.S., so as to have, as he put it, a "significant impact" on the Canadian company's operation. Mr. Grimaldi noted that today more than 80 per cent of GM's current Canadian production of cars and trucks is shipped to the U.S., which is an immense enterprise supporting hundreds of thousands of jobs that are vital to Canada and Canadians as part of an integrated North American industry. Double whoops!

In other words, honourable senators, we should not jump into this thing on blind faith. We need to know more.

The federal government itself must first determine, and thereafter explain more clearly, the impact Kyoto will have on people and business in this country. There is absolutely no need to get this motion passed before we break for Christmas. This is much too short a time given the complexity and importance of the issue. The fact is that Canada alone, among the developed nations in the western hemisphere, will be required to reduce its greenhouse gas emissions in accordance with the Kyoto regime. Our two NAFTA partners, Mexico and the U.S., will not be subject to Kyoto any time in the near future. Obviously, this will place us at a clear competitive disadvantage opposite these most significant trading partners.

Honourable senators, money and investment flow to places that provide the highest return on investment in a predictable investment climate. Kyoto will have a very real impact on that consideration. This is not scaremongering, but a simple fact of business life. While we are busy handicapping ourselves and our ability to compete, other nations, particularly the developing ones, will be adding to the problem of greenhouse emissions, happily doing business as usual, free from the Kyoto constraints.

The Hon. the Speaker *pro tempore*: I am sorry to interrupt, but I must advise that the honourable senator's time has expired.

Senator Eyton: I am almost finished.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Eyton: Honourable senators, I am not opposed to the objectives of Kyoto. I am a fan of energy efficiency and of a cleaner, healthier environment, including as but one of the elements reducing greenhouse emissions and, beyond that, SO₂ and other substances degrading our air and water. In the real world, companies like Noranda are making serious and sustained commitments to a cleaner environment and sustainable development. There are other examples to learn from, such as California itself or companies within California, models for us to emulate.

It is not the goal of smarter environmental stewardship that I am worried about. It is the particular structure and means we propose to achieve it. In short, we should not now ratify Kyoto. We need to have an implementation plan broadly acceptable to Canadian provinces and industry, for the political and economic well-being of Canada and Canadians. We can all agree that we want a cleaner and healthier environment on a sustainable basis. Perhaps we should come up with a purely made-in-North America solution, something thoroughly researched and based on the economic and environmental realities here.

Honourable senators, it is clear to me that before we ratify this treaty, we need a broad consensus, a more complete understanding of the costs and other impacts of Kyoto and prospective alternatives, and a much better idea of how we will get there. Given that — and only then — will Canadians of every class and kind massively support what truly are the worthy objectives underlying Kyoto.

Honourable senators, I urge each and every of you to vote against ratification of the Kyoto Protocol at this time for the very simple reason that it is the right thing for us to do as a body charged with exercising sober second thought. Your vote against ratification will be a vote for the provinces, the territories, the regions and the sectors making up this magnificent country, whose voices have not been distinctly heard to this time. Surely, this is a proper responsibility of the Senate chamber.

Some Hon. Senators: Hear, hear!

Hon. Ione Christensen: Honourable senators, I rise to give my support to this motion, without amendment. I have listened with

interest to the presentations given, both for and against, and all are certainly excellent arguments.

Questions have been raised on the international ramifications of signing such an accord, the failure to engage all the provinces, and the lack of a clear, detailed and universally agreed-to action plan. All arguments were eloquent, but I should like to introduce some simple observations, no rocket science, but some facts about why I see Kyoto as a catalyst for focus and why it should be implemented.

Fact: Hydrocarbon exhaust is a lethal gas. It is bad for your health and you do not intentionally go out and breathe the stuff.

Fact: We in Canada are pumping out megatonnes of it yearly

Fact: This gas does not just stay in Canada's airspace, but it floats around the world, as do similar gases from other industrialized countries. It is big-time sharing.

Fact: Without a catalyst of some kind, no one, least of all industry, will willingly take steps to make changes that may just cost them a little money.

We now come to Kyoto. With all the information gathered by the scientific community around the world, it is difficult to deny the fact that our planet is warming up. Yet there is still strong debate on whether we should take action.

Is the debate political? Is the debate about jobs or funding? Is this debate about who has the most convincing statistics? Like most debates, the answer depends on which side of the issue one supports.

Yes, it is about politics: selling a perspective that will appeal to the voting public. Yes, it is about jobs, some of which may not be generated in future and some of which will be created in future. Yes, it is about funding. For industry and the territorial and provincial governments, it is about what the federal government will be willing to commit to the costs associated with implementation. We must also ask: To what degree are industry and the provinces willing to share the wealth that may be generated by new industry opportunities? Make no mistake, there will be opportunities. Petroleum companies are taking advantage of those opportunities today.

• (1640)

Yes, it is definitely about statistics, and we all know that with statistics, you can prove just about anything. We need a plan that reflects the wants and needs of all parts of this country. Who will be the winners? Who will be the losers? How can we balance that equation? That can only happen if we are talking with each other and not at each other. That is one reason I reject the amendment. I feel that we would only then be talking at each other. It is important that we settle down to the debate on how to solve the problem.

Honourable senators, we are, for the first time in history, living in an interconnected global economy. I ask you: In the last four years, how effective has your well-planned investment portfolio been performing? Can we realistically ask any government to produce a detailed 10-year fiscal plan on reducing a sky full of gas that we cannot even see? The Kyoto Protocol calls for much good faith from all players and, that good faith is needed because the stakes are so high.

Like the global economy, the global greenhouse gases produced by the industrial first world economies, affect everyone. My car emissions can end up in Australia, India or Africa. Industrial emissions from Russia, Germany and China affect Nunavut, Chile and Spain. If we do nothing, what would be the health costs? What would be the costs to agriculture? Would we be able to secure our food supply? What about forestry? What effects would there be on the world fisheries? What would be the impact on that very precious 5 per cent of the earth's water that is available to all living things?

There is convincing evidence that our planet is warming. Although natural cycles would normally produce periods that would be warmer than others, the higher degree of global warming that we are seeing today is man-made. No other species or phenomena are responsible. We energy consumers are the guilty ones. It is because of our first-world lifestyle that greenhouse emissions are at the high levels, we now experience.

At the UN Conference on Environment and Development in Rio de Janeiro in 1992, we signed on to reduce greenhouse emissions to the 1990 levels by the year 2000. In 1997, Canada, together with over 160 countries, met in Kyoto to recommit to the reductions and what those reductions should be. Canada set a target of reducing emissions to 6 per cent below our 1990 levels by the end of the period 2008 to 2012. Whatever plan we may implement would be a made-in-Canada plan. We would set the emission reduction rate and, working together, we would develop the plan for achieving those reductions.

We are already 10 years into the process. We did not meet the 2000 target — far from it. In 1997, Canada was identified as one of the top three countries with emissions growth since the 1992 convention in Rio. This is not something new; governments and industry have all known about our commitment to emission reduction for the last 10 years. Some are now arguing that there is not enough time and that this is being rushed. They need until the year 2020 or maybe even 2050. That is at least a full 20 years. Guess what? From 1992 to 2012 is 20 years. It is rather like the times at school when a project was assigned and the work on it did not begin until the night before it was due. Yes, we may just have a problem. Should we be looking at extensions now? Will greenhouses go on hold while we dither around? I do not think so.

In the North we see warming effects perhaps more than in other areas. Our Canadian farmers are also suffering. There are reduced water levels in our aquifers and our river systems; changes in fish migration, as happened in British Columbia this year where the salmon had only dry creek beds in which to spawn; cooler summers and warmer winters in the North, where it was raining yesterday in Whitehorse and where there has been no snow; hotter summers and higher levels of smog in southern urban centres;

more droughts, more flooding and ice storms that break records; melting of the polar ice cap; and West Coast glaciers melting, where I have been flying since 1945 at least once per year. The scour on the mountains gets greater and greater as the ice melts. Some of them have totally disappeared. We also see insects and animals in areas where they have never been before; and caribou dropping and losing their calves before they can reach the calving grounds because of river ice breaking up early. A few weeks ago, CBC reported a study in the Yukon that provided evidence that the increase in temperature is related to the industrial revolution. Core samples taken from the glaciers atop Mount Logan, Canada's highest peak, give us a picture of the amount of snow that has fallen there over the last 300 years. The data indicates that precipitation on the mountain has been increasing since about 1850. Scientists link increased snowfall with increased temperatures, as the warmer air can carry more moisture up to Mount Logan's higher altitudes.

The CBC report quotes Gerald Holdsworth, Researcher at the University of Calgary, as saying:

We find an increase from about 1850 and it actually corresponds with the start of the Industrial Revolution, which we also see in the ice cores.

And he continues:

The trend is increasing in the last few decades. There has been a trend over the last 150 years and it is now increasing a little faster.

Why should we ratify the Kyoto accord while others will not ratify it? We are a major part of the problem and so we should be a major part of the solution. Some might say: If the United States — the largest emitter of greenhouse gases — is not ratifying the protocol, why should Canada ratify? The United States has, however, made large investments in cleaner energy. Also, individual States have made commitments to stabilize greenhouse gases. While not formally committed, it is well known that they are well advanced in greenhouse gases reduction technology, and Canada must remain competitive.

Energy efficiency is not a new concept. Certainly, during the energy crisis of the 1970s, many new technologies were developed. There was the R-2000 home, air-to-air heat exchangers, wood stoves with catalytic combustors, wind energy, solar panels, propane cars, inline hydro and even the Thermo-Hygrograph and I would point to that little glass box in the middle of the Senate Chamber — which came from exclusive use at the museums and the archives to become a common, useful tool in monitoring the R-2000 air-tight and energy-efficient homes. They wanted to ensure that the right temperatures and levels of humidity were being monitored. Canada's home-building technology was then seen as state-of-the-art. We were world setters in the way that we built our homes in cold climates.

Then it was all about money and supply. However, the issue we face today is about the health of our future generations and the health of our planet to sustain us. What little faith we have in our own abilities. We did it 30 years ago for money; surely we can do it today for life.

• (1650)

Senator Andreychuk: Honourable senators, I wish to make some preliminary points with respect to the Kyoto Protocol and process. We have heard debate from senators, scientists and others on both sides of the issue as to whether there is real evidence about global warming. The issue of global warming is not settled by scientists, and there are compelling opinions on both sides.

The debate has not moved much since the 1980s when the United Nations Environment Program was struggling to put in its first report that led to the Rio Conference and the United Nations Framework Convention on Climate Change, which in turn led to the Kyoto Protocol. What was said then in the United Nations Environment Program, UNEP, is that if we go with the sceptics, that there is no global warming, the cost could be the planet. If we go with those who believe that there is global warming and they are proven wrong, the cost will be a syphoning off of resources from other necessities, but in any event, some good to the environment will occur. Environmental protection must be paramount and good practices should be enforced. Therefore, the second choice was made.

The issue, then as now, is not utilizing existing resources but what is reasonable use in our generation in order that we are neither careless nor utilizing more than our fair share in relation to the needs of future generations. Therefore, the process of Rio inherently stated that good environmental practices were not in place and should be with respect to issues that affect climate change.

In the Kyoto Protocol, the fair share concept for existing environmental degradation was extended to how this should be apportioned amongst countries. Time does not permit me, in the few minutes that I have, to address this issue, but I would certainly put it on the record that the fair share amongst nations was not "a good deal" for Canada, nor for the developing world in the future. Honourable senators, that is for another debate.

One further preliminary point that I would like to make is that the actions of the government at this time, I believe, are misleading, confusing and not helpful to reaching an honest consensus or understanding by Canadian citizens, nor, may I say, is it good public policy. It is not helpful when the Minister of the Environment has categorized the ratifying of the protocol as "historic." Even if Kyoto were fully implemented in Canada, the delay in doing so and the minimal effect that this will have on environmental degradation is misleading when categorized as historic.

My concern, as well as that of some others, is that there will be a sense of satisfaction in the Canadian public that we have "saved the environment." This Kyoto Protocol is but one very small piece of what needs to be done. Further, to say that there is a made-in-Canada plan for reducing global warming is to misunderstand or misrepresent international treaty-making. If there is such a thing as a made-in-Canada plan for reducing greenhouse gases and other actions to counter the effect of climate change, then the minister should put this national strategy or plan

forward and proceed with it. The Kyoto Protocol ratification simply means adherence to an international plan, which may not have been the best deal struck for Canada, nor all that Canada has to do.

The major point that I wish to make today, honourable senators, is with respect to treaty making and Canada's outdated process. Two givens are unalterable, in my opinion. First, there is no suggestion in any of my submissions that the executive's right to sign and ratify international treaties at the federal level should be changed, or through the Constitution. It is a discretion that properly lies with the federal government and its executive. Second, as Senator Beaudoin has pointed out through case law, the federal government cannot encroach on provincial rights in any way when enacting the implementation of treaties.

However, it would appear that Canada's process has not kept up with the growing trend or the importance of international treaty-making in this globalized world. We know that many issues previously national in scope are now international. In light of the fact that national and international laws are inextricably intertwined, and in light of the need to develop a more mature system of democracy, it is no longer acceptable to continue the practice that has led us to the confusion and the difficulties at this time in the Kyoto process.

Canada has done little to modernize and democratize its treaty implementing systems, while others like Great Britain and especially Australia have completely revamped their systems. There has been no similar process in Canada.

It should be noted that the Vienna Convention on the Law of Treaties, which Canada acceded to, indicates that when a country signs a treaty, it then has the obligation not to defeat the object and purpose of a treaty prior to its entry into force, as noted by article 18 of that convention. Therefore, we are not bound by the terms, but we are not to go against the object and purpose.

However, if ratification of an international law takes place, then you are not only bound to not defeat its objectives and purposes, but it becomes a legally binding commitment. Article 26 of the Vienna Convention states that every treaty in force is binding on the parties to it and must be performed by them in good faith.

The Vienna Convention goes on to say, in article 27, that a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty.

Honourable senators, what does all this mean to Canada? Well, the federal government can sign any treaty through the executive without consultation with anyone or with abbreviated consultation, because they have the exclusive right to do so. Once they determine to ratify, the federal government must act in good faith and attempt to implement into national law its obligations.

Many of those obligations are within provincial jurisdiction, and to this point, in many treaty-making processes, Canada has often indicated when it was found wanting in the provincial sphere that it had no right to intervene and, in fact, looks to the province for explanation. In fact, the federal government in many cases has not passed enabling legislation

for conventions but has simply said that they are in conformity with standards in the treaty. They have often gone as far as to say that the Canadian standards are higher than those in treaties and therefore existing laws are sufficient.

Needless to say, these are always the opinions of the federal government, and those who wish to take issue with the federal government have little recourse internationally or nationally to put a different point of view forward, including, I may say, provinces.

In other countries, the process is more democratic, open, consultative, meaningful and in line with consensus building. For example, the Australian model, adopted in 1996, still maintains within their constitutional structure the exclusive right of the executive to sign and ratify treaties, but the executive has put into place the following five areas: first, the tabling of treaties in Parliament for at least 15 days before the government takes binding action, and that is either signing or ratifying.

Second, the tabling by the executive in Parliament of a national interest analysis explaining why their country should become a party to the treaty in question. The national interest analysis is to include a discussion of the economic, social and culture effects, the obligations imposed by the treaty, the direct financial costs to the country, how the treaty is to be implemented domestically, and what consultations occurred during the negotiations. If we had this process in Canada, would we be talking about the Kyoto Protocol in the same terms today?

A third area they put into place in Australia is the establishment of a joint parliamentary standing committee on treaties to consider and report to the government on tabled treaties and other related issues. This committee does in-depth analysis and synthesizes public submissions and is a barometer for public opinion.

• (1700)

Fourth, in their system there are treaty councils chaired by the prime minister, no less, which serve as an advisory form for consultations with state governments on treaties of particular sensitivity and importance to states. If we had only had this in our Kyoto process for Canada.

Finally, there is the establishment on the Internet of an Australian treaties library. I do not have time to go into the detail of what it does, but it informs parliamentarians on a regular basis of the status of all negotiations and their impact on Parliament, on the states and on the citizens.

I am certainly not advocating a direct copy of the Australian system, but it is illustrative to point out that they have modernized their system and taken into account the need for realistic, comprehensive and timely negotiations and discussions before final decisions are made.

Let us look at the Kyoto situation in Canada. When did the government advise Parliament in any way or give a role for Parliament in the Kyoto process until this resolution? How meaningful is it for Parliament, without study, without documentation, without hearing from citizens or others, to give informed and reasonable advice?

The Senate, in particular, has a role to protect the Constitution, to balance needs, opinions and regions, and it has to fairly take into account minority interests. It is being asked to perform its role by a quick debate, not even at the eleventh hour, but I would say at the eleventh — and one-half hour. Surely, this makes a mockery of good governance and the role of Parliament.

Have we really, in this debate, analyzed fully the public policy issues that need to be addressed? Have we looked at Aboriginal rights and how they may be affected by the ratification of the protocol and implementation? Do we have an implementation plan that is definitive and detailed in a way that informed conclusions can be drawn? Surely, a proper policy process should have been started immediately after the convention, including Parliament, the provinces and others.

Further, there is something seriously wrong in the government resolution that tells Parliament what it should say back to the government. Surely, this is usurping the role of Parliament. Surely, a proper and respectful resolution of the role of Parliament would have been to call on Parliament to have an informed, critical and strategic debate on the need, the issues, the cost and the implementation strategy for compliance with the Kyoto Protocol. It should have involved the people of Canada, through Parliament, in a more effective way.

One could only assume a puppet role in this resolution for the government's ventriloquist act. In conjunction with Senator Lynch-Staunton's amendment, the resolution might have called on the Senate to concur with the principle of the government ratifying the Kyoto Protocol on Climate Change. However, to call on the government to do it, to order the government, surely, is a mixing of executive capacity and parliamentary integrity and independence.

A critical question in international treaty-making for Canada is the fact that so much of what is ratified and needs implementation is in the hands of the provinces. Again, a modern treaty process would have involved the provinces giving opinions prior to the signing of a protocol early in the negotiation stage, and an implementation plan should have been hammered out long before ratification.

While there were ongoing discussions between the provinces and the federal government, it is hardly reasonable to have provinces respond to a plan that was only cobbled together in the last month. The citizens of Canada have a right to hold the provinces accountable for their implementation legislation. However, this can only be done if the federal government puts into place a process that is timely, fair and reasonable for input from the provinces.

From the Kyoto experience, we know that discussions are not sufficient. It is only when there is some concrete action being tabled that provinces will then be put in a position that they must respond and respond in good faith. If this does not occur, as has been pointed out by academics, then as a last resort, the federal government has the exclusive responsibility for ratification. I must say that not only were the provinces not aware of this ratification coming so quickly, but that many of its own ministers were unaware. This left everyone scrambling, and this is not good governance.

The Hon. the Speaker pro tempore: I regret to advise that the honourable senator's time has expired.

Senator Andreychuk: I would ask for leave to continue my speech.

The Hon. the Speaker pro tempore: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Andreychuk: One further comment about the Kyoto process that does not sit well with good modern governance is that if we pass this resolution calling upon the government to ratify, we will, at least morally, have no alternative but to accept whatever implementing legislation federally the Government of Canada places before Parliament, not to mention the fiscal expenditures. Therefore, while many have noted that there is very little consultation or room for input by Parliament now in treaty law, we will, in fact, have passed over our authority to pass enabling legislation. If we call upon the government to ratify immediately the Kyoto Protocol without knowing what kind of implementation is intended, we lose that right, as I believe we will, if we pass this resolution, and we will be in a poorer position than we are today.

Many experts say that it is very late in the process to have Parliament put into place enabling legislation because treaties are already signed and ratified. However, in this case, I believe if we pass this resolution ordering the government to ratify, we will lose our right to even comment on implementing legislation, at least morally, if not constitutionally or legally. I dare say that we may be going so far as delegating our responsibilities to the executive.

One final point is that provinces could be in violation of the Kyoto agreement, as they have the conduct of the implementation of the Kyoto agreement within provincial jurisdiction. In the past, the government has often pointed out, when there has been an omission at a provincial level, that the internal laws do not permit the Government of Canada to intervene except by way of persuasion or encouragement. The past treaties were often pious invocations with very little accountability and responsibility. The new age international treaties are much more detailed, comprehensive and binding.

One problem that has not been dealt with and is exacerbated by the fact that we do not have a modern treaty-making process to adjust to this new reality is that the Government of Canada must act in good faith, ensuring and attempting to provide implementing and enabling legislation within its jurisdiction, but it cannot encroach on the provinces. However, the Vienna Convention, as I pointed out earlier, indicates that internal law is not an excuse. How will the international community interpret any reticence by provincial premiers to place enabling legislation before their legislators? Will the federal government be scrutinized in its process and "fairness" in dealing with the provinces in assessing Canada's commitment or failure to comply? These are still unanswered questions and could easily have been avoided if good public policy practices had been put in place. For example, could the delay of no proper plan being proposed by the government well in advance of ratification be taken as federal

government acting in bad faith? This is but one example of many ingenious attempts that may be made in the future to put pressure on Canada to fully comply. This is uncharted territory, and the outcome remains to be seen.

What about actions against the provinces? This is even more virgin territory. Suffice it to say, from what I know, I suspect that the point of view of Canadians will be that it will not matter whether it is provincial or federal jurisdiction, but that Canada has made an obligation that it should live by.

If we had had an updated and modernized and a truly revamped treaty-making system, then we would know who pays, how much and what benefit would be derived.

• (1710)

Instead, we are left not with a consensus-building exercise, but with citizens who have been shocked or scared into action by one side or the other. Success for the Kyoto Protocol, in the end, lies in the delivery as well as in the law itself.

How we manage the process, involve citizenry and respect the Constitution is important. With this government, it has been increasingly important that implementation be examined. The Kyoto Protocol is no different. Therefore, I believe that many citizens, if not all citizens, would accept a ratification of Kyoto if a just and fair process had been utilized.

For the Senate to accept a call to order the government to ratify, in my opinion, could be unconstitutional and certainly not a good practice for the Senate. In fact, it would set a bad precedent.

If passed, this resolution of the Senate would join other bad practices of the government. Therefore, I do not believe that the Senate, with its independence, should pass the resolution.

Honourable senators, there are two options to correct this resolution. One is to adopt the amendment of Senator Lynch-Staunton, which at least provides for a fair opportunity for provinces and others to be heard. The other option is that we ratify in principle rather than provide an order to ratify without good practices being put forward.

The Hon. the Speaker pro tempore: Would you accept questions, Senator Andreychuk?

Senator Andreychuk: Yes.

Hon. Jeremiah S. Grafstein: I have listened very carefully to the honourable senator's comments with respect to the power of the Senate as it relates to this resolution. Would she not agree that, in effect, the resolution has no force in law; it is advisory; it is an opinion of the Senate at a particular moment, and in no way, shape or form, does it bind the Senate from very carefully scrutinizing implementing legislation?

Senator Andreychuk: Honourable senators, I was trying to condense my speech. I apologize if I have not made full arguments.

I am not saying, definitively, that it is more than an advisory resolution, if you want to use those words. However, in practice, when we call upon the executive to ratify the Kyoto Protocol, without material before us, and when the Prime Minister has stated he will do so before December 31, we are simply doing it because, in our own capacities, we think that is a good idea. We have not done the critical analysis that the Senate always does. The Senate has not measured and looked at its responsibilities to Aboriginals, regions, minorities, citizens and the national interest. In other words, we have never looked at a national impact analysis of any kind.

If we give in to the pressure to ratify the Kyoto Protocol immediately, without any analysis, what will be the government's response if we dislike some part of the implementing legislation that will follow? The government is forcing us to move quickly on the Kyoto Protocol. We may still have some room to debate and to consider some of the administrative matters, but, morally, we lose the independence to examine the enabling legislation without a fettered eye.

Senator Grafstein: Honourable senators, I do not mean to debate this, but that is not my understanding of the power of the resolution. The power of this resolution is purely advisory. From my perspective of my rights and powers as a senator, I am in no way, shape or form censoring or restraining myself from carefully scrutinizing implementing legislation. If legislation is inconsistent with the objectives of Kyoto or if it has unintended consequences that have not been adequately addressed, this process will not bind me or any other senator from carefully scrutinizing implementing legislation.

We have done this before. We followed a similar process with respect to the NAFTA. We examined the legislation. We were told it was up or down, but clearly a number of additional comments were made with respect to it. Perhaps some of those comments were not satisfactory to some of us.

Honourable senators, I clearly take it as inappropriate that I am to assume that, having voted for this resolution, which I intend to do, I am limiting myself or abrogating my responsibilities as a senator to examine the implementation process as it relates to my particular province. My province has not taken a straightforward position on this particular legislation. That is understandable. Therefore, it frees me to examine it in the best interests of my region.

Senator Andreychuk: Honourable senators, there was certainly sufficient examination by the Senate of the North American Free Trade Agreement. I would suggest that the honourable senator go back and look at the records of how the Senate examined the issue throughout, and how the provinces were involved. The Senate considered the enabling legislation in light of everything else.

We are not saying that we will not examine whether ratification is good or bad, we are simply saying that the government should do it. Without analysis and information, there is no credence to our ratification. If this chamber decides that the government should ratify the Kyoto Protocol on a very superficial scanning of information, we lose the high moral ground to then tell the government that the Senate has the expertise to question the implementing legislation.

If we support ratification at this point, we are simply saying that we do not want to examine the government's ratification process because we think it is being done well.

Perhaps the honourable senator does not share my dilemma. However, I will have a lot of difficulty with supporting what the government wants done one day, and then, the next day, demanding that we be given the opportunity to closely examine every nuance of proposed legislation to determine whether the government is proceeding appropriately. Senator Grafstein may feel comfortable with that, and he may even have the opportunity to have his comfort level tested. However, I do not like this precedent being set in the Senate. I do not like that we have not had an opportunity to do the thorough type of job that we are renowned for doing, and that we have excluded the views of citizens who wanted to be heard.

Surely, we must balance rights and interests. I have heard competing interests from competing senators, but not the kind of careful consensual balancing that we as a chamber do.

I have not had the time or opportunity to reflect fully, but I simply put on the record that I am most uncomfortable with this kind of resolution. I would be comfortable in saying that, in principle, the government should proceed to ratification.

Honourable senators, it is not our responsibility to instruct the government to ratify the accord if we have not studied the issue and provided reasons in support of ratification. This is not a precedent that will lead anyone to take our second deliberation seriously when our first was so superficial.

Senator Grafstein: Honourable senators, I understand that what the honourable senator is suggesting — and we are in agreement — is that this places a higher onus on each individual senator to scrutinize with greater care each and every element of the implementation process, if, in fact, we have any reservations.

Hon. Mira Spivak: I would suggest that honourable senators look at the precedent of the Convention on Biological Diversity which was ratified without any consultation with the provinces. It was not brought to the House of Commons or to the Senate. It then took 10 years of consultation with the provinces and citizens before the implementing legislation was introduced. That is the species at risk bill.

• (1720)

We may debate what we think of that legislation, but the process certainly separated ratification from implementing legislation. The government simply ratified, but then two governments were so cautious and scrupulous about the implementing legislation that it took 10 years and unending consultation with the provinces. I am wondering whether that is a precedent.

Senator Andreychuk: I think it is a precedent for what I was saying we should avoid. I am saying that the treaty-making process in Canada is outdated. That applies equally to biodiversity and to Kyoto. The dilemma here is that there were consultations.

I had something to do with biodiversity as a permanent representative on the United Nations Environment Program. There were consultations and steps taken. I do not think we have time to go into the reason for the length of implementation at this point, but Kyoto graphically points out to me that we cannot continue on this route because it results in the species at risk legislation taking 10 years and Kyoto being cobbled together too quickly and not implemented properly.

It is time to take a hard look at the international treaty process. This will not be the last time we will be caught this way if we do not carefully reflect on federal-provincial responsibilities and the need for a new treaty process. I do not distinguish between the two treaties. It is a flawed process and it is time for the government to consider a new process so that we do not find ourselves in this mess again.

Senator Spivak: I may not have asked my question properly. Is the Honourable Senator Andreychuk suggesting that the same sort of consultation, even though it is an executive prerogative, should take place before ratification as takes place before implementing legislation? I see the two as separate. The process being suggested would involve a great deal of consultation before ratification.

Senator Andreychuk: I believe that in this complex world one must know what one will do. One must know what impact it will have on everyone, what the possible outcomes are, how it will be implemented, what the cost will be and what the cultural or social ramifications will be. That should be dealt with in a process long before we are embedded in international negotiations, because we know that in international consultations and negotiations we do not win everything we want. However, we should start with a blueprint. If we have to veer off the blueprint in international negotiations, we will know what we will end up with. If we have no idea where we are going, how we will implement, what it will cost or what the effect on us will be, how will we know at any given time where we are going?

We must remember that times change. The process for which I am pleading will involve everyone on a continual basis. It is the only way to build consensus, and it appears that other countries are following that process for the same reasons.

[Translation]

Hon. Roch Bolduc: Honourable senators, the senator appears to agree that this is one of the government's prerogatives. It negotiates and concludes treaties. The senator contends that we need to follow the example of Australia afterward, and submit the idea to the House within two weeks or so.

In reality, this is the equivalent of the U.S. "fast-track authorities," where the executive negotiates, and there can be no debate about it. This is part of their Constitution. No debate whatsoever. When the process is over, it gets voted upon, but when all is said and done, nothing can be changed. It is just a matter of indicating support or lack of support. My point of view is as follows.

[English]

The Hon. the Speaker: I am sorry, Senator Bolduc, but a senator is rising on a point of order.

[Senator Andreychuk]

Hon. Eymard G. Corbin: I believe that Senator Bolduc is questioning the senator who previously questioned Senator Andreychuk. That appears to me to be out of order. I could be wrong, but I thought he was questioning Senator Spivak.

The Hon. the Speaker: Senator Corbin's point is that we are now in a period where senators are asking questions of Senator Andreychuk on her speech. Senators Grafstein and Spivak were earlier questioners. Senator Corbin is quite right.

Senator Bolduc, are you putting a question to Senator Andreychuk?

Senator Bolduc: Yes, that is what I was doing.

Senator Corbin: Who are you questioning?

Senator Bolduc: I am asking questions of the speech she made.

[Translation]

If you do not want to listen to me, and do not like what I have to say, then I will take my seat. I will leave.

[English]

Hon. Douglas Roche: Honourable senators, the arguments for and against the Kyoto Protocol on Climate Change are well known, and I do not propose to take up the Senate's time with another recitation of the effects of Kyoto. However, coming from Alberta as I do, I do believe it is necessary to put my position on the record.

I pay my respects to those who oppose Kyoto, but I do not share their views. I will vote for the motion to ratify the accord. Although Kyoto is not the full answer to global warming, I believe the scientific evidence is such that without the protocol we will not be able to stop global warming.

The degradation of the environment is a principal stumbling block to sustainable development. We in the developed countries must understand our responsibilities not only to protect the environment but also to help the developing countries move forward with their own programs for economic and social development.

The Kyoto Protocol should not be seen as a punitive measure against the developed countries, but rather as a step forward in advancing the common good. I believe I am speaking for many Albertans who want Canada to play an important role in the equitable development and preservation of the planet.

For me, the principle of Kyoto is clear, but the process by which the motion arrived in the Senate is murky indeed. While there has been consultation with the provinces, the lack of a clearly defined economic program to implement Kyoto, which is of great concern to the provincial governments, concerns me. It also concerns the Leader of the Opposition, who has introduced an amendment calling for the Senate Committee of the Whole to hear from all federal, provincial and territorial government representatives who wish to appear. This is a reasonable request.

Why should the Senate, the chamber of sober second thought, not hear from experts from across the country? Why is the government so adamant in refusing this request? We are all aware of the Prime Minister's statement that he wants Kyoto ratified by the end of this year. However, Kyoto sat on the desks of the government for five years before this final rush. The amendment is reasonable and I will vote for it.

Although the process of the Kyoto ratification is not very edifying, the principle of what Kyoto is all about stands. I believe that Canada must join the 100 nations that have already ratified it.

On motion of Senator Buchanan, debate adjourned.

• (1730)

NATIONAL ANTHEM ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Poy, seconded by the Honourable Senator Banks, for the second reading of Bill S-3, to amend the National Anthem Act to include all Canadians.—(*Honourable Senator Spivak*).

Hon. Mira Spivak: Honourable senators, I am pleased to speak to Bill S-3. I will be brief because there has already been considerable debate in the last session of Parliament on the principles underlying the bill. Senators have already heard almost everything that could be said.

When the substance of the bill was presented as an inquiry, I spoke in favour of the small but significant change to our national anthem that this bill contemplates. Not all Canadians see the need to change it, but those who most want it are those who most feel excluded by the existing wording. Our country's best and brightest young women want the anthem to explicitly include everyone.

Inclusion is what underlies this bill and has been an important principle in our nation's past. It is important today and will continue to be important in our future. Language, religion, and race: none of these determine who is a Canadian and who is not a Canadian.

From our founding, we have welcomed new Canadians and celebrated the richness that results from diversity. For women, however, the struggle for inclusion took longer, whether it was in winning the vote, in gaining full legal recognition, or in achieving equity in the workplace. Outside our doors is a marvellous statute commemorating the famous *Persons* case — the case in which women, through their struggle to gain the right to be appointed to this very chamber, attained standing.

Honourable senators, it is therefore time to make a minor change in another tradition. It is time to replace the wording "thy sons" with words that clearly tell young women they are as Canadian and as important as their male counterparts. It is time to be inclusive. We have had considerable debate over the

principles, and I believe it is now time to give the bill over to committee for detailed study. I hope that happens soon.

The Hon. the Speaker: Honourable senators, Senator Poy is rising to speak. This is her motion. I must advise honourable senators that if Senator Poy speaks now, her speech will have the effect of closing the debate.

On motion of Senator Stratton, debate adjourned.

[Translation]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

SIXTH REPORT OF COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the sixth report of the Standing Committee on Internal Economy, Budgets and Administration (*Senate Estimates 2003-04*), presented in the Senate on December 10, 2002.—(*Honourable Senator Bacon*).

Hon. Lise Bacon: Honourable senators, the Senate's proposed budget for 2003-04 is \$67,032,050. This amount represents an increase of \$3,131,200, compared to the 2002-03 Main Estimates of \$63,900,850.

[English]

The Main Estimates were prepared taking into consideration the policies of the government announced in the Speech from the Throne, which alerted departments and agencies that they were expected to be prudent and live within their means, and went on to describe the importance of reallocating resources to the highest priorities and transform old spending to new purposes.

I believe honourable senators will agree with me that the message is clear: New requirements are expected to be funded within existing budget levels by reallocating resources. To the extent possible, this budget reflects government-wide expectations. Some internal resource reallocations have been made, even though the resource base of the Senate provides little flexibility.

In fact, 90 per cent of the budget is necessary to meet recurring but, more important, increasing expenditures. This includes the indemnities of the senators, the salaries of employees, contributions to the pension fund and the benefits plan, transportation and communication costs, and expenditures for researchers and other professional and special services. The remaining 10 per cent is required for the acquisition of machines, equipment, supplies, repairs, maintenance, and grants and contributions.

[Translation]

Honourable senators, I would like to briefly go over the Senate's achievements in recent months. The Senate has produced comprehensive reports on very important issues for Canadians.

[English]

I am thinking about the reports from the following committees: The Standing Senate Committee on Social Affairs, Science and Technology reported on the state of health care in Canada; the Standing Senate Committee on National Security and Defence reported on security preparedness in Canada and on funding of the military; a special Senate committee reported on illegal drugs; another special Senate committee undertook an extensive pre-study of Bill C-36, the government's anti-terrorism bill; and the Standing Senate Committee on Energy, the Environment and Natural Resources reported on Canada's nuclear reactors.

[Translation]

These reports and other Senate committee reports have helped improve the quality of debate on these important issues, and they have ensured that the Senate receives all the attention that it deserves.

[English]

In effect, the level of activity in the Senate is high. The Senate sat more often than the majority of all provincial legislatures, and although the Senate sat 80 days, its committees sat for 120 days. Furthermore, during the last fiscal year, our work in committees has increased considerably, over and above our previous five-year average. Committees held 544 meetings, which represents an increase of 33 per cent, and sat for 1,117 hours in committee meetings, representing an increase of 39 per cent. We should all be proud of our track record.

[Translation]

Honourable senators, the situation we face was presented to you and, since the appropriate information was provided, it is recommended that the Senate propose an increase of \$3,131,200, which will be used in full to fund non-discretionary needs that cannot be funded internally.

[English]

However, in light of government-wide restraint measures, many demands will remain unfunded. I commend the administration for having met this challenge of restraint and constraint, and I hope my fellow senators will also meet this challenge of restraint and constraint.

Honourable senators, in order to allow us to pursue our valuable work, I ask you to support the adoption of this report.

• (1740)

Hon. Ione Christensen: I have a question for the chairman, but before I pose it, I would commend the committee for the hard work it did and its excellent report.

Turning to the committees section of the budget, the proposal is for a \$65,000 increase, which is .1 per cent, yet we recommend that there be three new committees. We now have 17 committees and there has been discussion of, and there certainly is a need for, an additional committee on culture and heritage.

[Senator Bacon]

It seems that we are not even keeping pace with what all of our committees need. How did you arrive at this amount of \$65,000 to meet the needs of our committees?

Our committees not only do an excellent job in reviewing legislation, they also do excellent work on the studies that are referred to them.

Senator Bacon: The \$65,000 amount is for parliamentary associations, not for committees.

Senator Christensen: Is it not for committees and parliamentary associations?

Senator Bacon: No, it is just for associations.

Hon. Tommy Banks: Honourable senators, I have a question for the chair, Senator Bacon. I would reiterate what Senator Christensen has just said. I think the toughest job here is Senator Bacon's job, because she has all honourable senators howling at her heels for money and complaining when they do not get it.

However, as Senator Bacon has said, the highest profile and greatest credit that is now coming to the Senate comes largely as a result of the work of its committees. There is no substantive increase in the committee budget. In fact I think there is no increase for the committee budget to speak of in this motion.

As the honourable senator said, because of the constraints she has seen, many imperatives and demands will remain unfunded.

The chair carefully explained the undertaking to exercise constraint in the Speech from the Throne. Were other considerations taken into account in arriving at this increase, which I understand to be on the order of 4.9 per cent, that is to say, from \$63,900 to \$67,000 and \$32,000? Would it not be as prudent now as it would be at any other time to try to get the Senate caught up in respect of its committee undertakings?

I am wondering whether the senator heard said, as I did, in national caucus this week —

Senator Stratton: Whoops, careful.

Senator Banks: I beg your pardon. Obviously she did not. Perhaps she should read *The Globe and Mail*.

Senator Lynch-Staunton: What did she not say?

Senator Banks: I have reason to believe that the other place, in respect of its request for money for committees to do their work, will find favour when they make those requests, and that when the members of the other place need to find more money to do their research, they will find favour in making that request.

The amount of money that the other place deals with in respect of its base budget has been aggrandized over the years by the addition of certain capital expenses, which, once they have been added, remain in the base budget. The disparity of the proportion of the work this place and the other place does is forming a widening gap. As in the case of salary proposals, there is no right time to do this — no time at which it would be better or more

convenient or less obvious than any other. It is my contention that it is precisely in the committee work of the Senate, not only in those committees which the honourable senator correctly named, but in others as well, where some of the most important work of the Senate is done. It is work that has undoubtedly raised the positive profile of the Senate substantially in the last few years.

Were those things taken into account by the honourable senator and her committee in arriving at a budget which contains virtually no increase in the expenditures for committee work?

This brings me to my second question, which is very specific. Section D of the information provided to us last night refers to an amount of \$700,000 needed to fund an increase in research carried out by senators' offices. Does that mean \$7,000, give or take a nickel, to each of us as an increase to our global office budgets?

Senator Bacon: Honourable senators, I must say that usually the amounts granted to various committees at the beginning of a fiscal year are not totally spent. About 70 per cent of the committee budgets is spent by the end of the year, so that leaves 30 per cent unspent. That is why we have requested that there be a reallocation to those committees who require more money to complete their studies.

I will have to take notice of the honourable senator's second question and provide a proper answer as soon as possible.

I must add that I do not compare the Senate to the House of Commons. I believe that we do the best job we can within our means, as we have done before. We must be commended for the jobs done by our various committees and the reports they have produced.

I think we can work well here within our means. This next year will be a difficult year for everyone and I hope that people will understand when we reject their requests for more money and we spend the money parsimoniously.

The Hon. the Speaker: The 15 minutes allocated to Senator Bacon has expired.

Hon. John Lynch-Staunton (Leader of the Opposition): I had intended to speak but I will ask her to reflect on my suggestions.

[Translation]

I would like to congratulate the Chair of the committee, or perhaps offer her my condolences, for having accepted to chair the Standing Senate Committee on Internal Economy, Budgets and Administration. It is not the easiest committee to chair, and I congratulate all of the members of the committee who accepted the work in the past and those who have agreed to work with the Honourable Senator Bacon. I believe that they are on the right track.

[English]

I have a couple of comments pertaining to the budget. I may be repeating what I have said here before. I hope the committee will be more sympathetic to what had been said by me, as well as by

others, which is that we should instil a little discipline in the budgetary process as it relates to committees. We now have so many proposals for special studies, yet we have a very limited budget.

• (1750)

We feel that we have to answer them all and, as a result, we will disappoint a few of them. We will have to be more disciplined and perhaps even harsh. My suggestion would be that, prior to every fiscal year, committees that want to do a study within the following fiscal year, not beyond it, make their proposals to the Internal Economy Committee. Then, either through a lottery or by decision of the committee, only one, two or three would be selected. As it stands currently, we may have as many as seven studies running at the same time; and some of them by the same committee. We are stretching our resources and our budget. Many of these committees ask to report one to three years on. Thus, we are committing resources of this institution far into the future when we do not know whether they will all be available.

My main suggestion is that before a committee requests a term of reference from this chamber, it go before the Internal Economy Committee to state its budget, from which it cannot deviate. Once it has the approval of that committee, it may then come to the chamber for the term of reference. In that way, the Senate would know the exact cost, timing and purpose. As it is now, we approve the terms of reference first. For example, Senator Day has a proposal for a study on media. I will vote against it because I do not have enough information about the costs of that study between now and next March; and I have no idea how much it will cost the following year. Even if I did know those figures, I do not know whether our budget can absorb the cost. For that reason alone, despite the validity of the study, I, for one, cannot support it. I would like to see how applications for terms of reference are handled with the monetary factor given more importance prior to approval than after approval.

Honourable senators, I am also concerned that more and more committees are asking to hire communications consultants, editors and outside researchers, at different rates, although I will stay away from the subject of rates. There was a time when we could satisfy those requirements in-house, but more and more we seem to be going outside the Senate for those services. The Library of Parliament has always been a source of extraordinary research and still is, but we also have a communications department. I am not familiar with what it does, but I would like to see more and more of these so-called consultants on the permanent staff list, with familiar knowledge of what the Senate is all about and how the committee system works. In that way we would be able to send our message out on a constant basis.

Right now, our message only comes out when a report is ready to be tabled and then the communications consultants and the media are hired. We have a nine-day wonder and then everything fades away again. The knowledge that goes into the work that leads to the result is lacking in our committee work — not the knowledge of the result. I would like to see a system set up whereby we could inform the public on a constant basis about the operations of our committees and not just about the results of certain studies.

Finally, there is one particular item that was not proposed because of the lack of funds: "Implementation of an Armed Component." I will read the proposal:

As approved by the Committee on Internal Economy, Budgets and Administration in June 2000 and October 2001, the Protective Service has been authorized to create an armed component.

That is a radical change in the security in this place. While the Internal Economy Committee supports this proposal, I hope that nothing further will be done until all members of the Senate are asked for their opinion. This suggestion is far from being unanimous. I am open-minded on this matter.

[Translation]

In my caucus, opinion is divided. I do not know about the other side.

[English]

The point is that on the agenda for Internal Economy Committee meeting the other day, this item was indicated not for this year but as a possibility for a future year.

Senator Bacon: We have not made a firm decision yet on arming Senate guards. We are discussing security, but no decision has yet been made on that point.

In respect of the remaining items, I welcome the suggestions by the Leader of the Opposition. I must say that we had a pretty good discussion last Tuesday on modernizing the way in which we work. I intend to work closely with the members of the Rules Committee to change the rules such that committee chairs present to us their proposals for funding before they seek terms of reference from the chamber. If we do not have the funds, committees will simply have to wait another year. This is part of our ongoing discussion at the committee level.

Senator Lynch-Staunton: Note 13 in the estimates portion of the agenda states:

Consequently, armed plain-clothes personnel will be deployed at all Senate main entrances, public committee hearings, scanning posts and will provide for VIP escorts within the Senate precinct.

If it is a suggestion, that is one thing, but after reading this agenda, it is more than a suggestion; it is a decision already taken by the Internal Economy Committee.

Senator Banks: Honourable senators, I noticed that the opposition was referring to several pieces of paper, which I have not seen. What are those papers? Where did they come from? Could I have one?

Senator Lynch-Staunton: Honourable senators, the paper to which I am referring is the agenda of the Internal Economy Committee meeting for December 10, 2002. Perhaps I am violating a confidence, but the point is that the committee has approved armed guards. If it has not approved, why are the figures in a document, which perhaps I should not be reading. I apologize but I do not see "confidential" written on the document.

[Senator Lynch-Staunton]

Senator Banks: Honourable senators, I would like to ask the Leader of the Opposition if there are Senate committee documents that are secret to other senators.

Senator Lynch-Staunton: Senator Banks, any senator may attend any committee and receive all the documents there, whether or not he or she is a member of that committee.

Senator Banks: If I were to request that document from a committee chair, would I be entitled to receive it?

Senator Lynch-Staunton: The deputy leaders and leaders on both sides are automatically ex officio members, so they may automatically receive the agenda. A member of this place who is not a member of the committee has to go to the committee, if the document is confidential. This one is noted "*in camera*," but it does not say "confidential." If it is a public document, we are all entitled to receive it.

Hon. Joan Fraser: I have a question for the Leader of the Opposition. I have enormous sympathy with his views that we should examine our means before we make decisions. I was surprised when I first came to the Senate to realize how the system works. However, as we have seen with committee work over the past year, it seems to work remarkably effectively.

I was disappointed to learn that the Honourable Leader of the Opposition will vote against the media study simply because, as I understood him to say, the Transport Committee is following the rules as they now exist: obtain an order of reference from the Senate; have the committee approve a budget; and go before the Internal Economy Committee to obtain the funding. I am delighted to hear Senator Bacon say that she would like to adjust the system, but that takes time, too. Did I hear you wrong? Were you saying we should not be following the rules in the Transport Committee?

• (1800)

The Hon. the Speaker: Honourable senators, it is six o'clock. Is it your pleasure that I not see the clock?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): I would give leave to conclude this item.

The Hon. the Speaker: Leave to not see the clock is being given conditionally, and that is to conclude the item we are on. Is this the agreement of the chamber?

Hon. Senators: Agreed.

Senator Lynch-Staunton: To answer Senator Fraser, I understand from the discussions on the budget that we do not have funds for additional studies or anything out of the ordinary for this fiscal year. Also, when it comes time to discuss the actual proposal, I will have a great many questions on how the proposal is worded, but that is a debate for another time. My discussion now is on priorities and the availability of funds, and I gather that there are no more funds available for special studies.

The Hon. the Speaker: Do you have questions, Senator Stratton?

Hon. Terry Stratton: No, mine is a brief statement concerning the budget.

The Hon. the Speaker: Senator LaPierre, a question?

Hon. Laurier L. LaPierre: I wish to participate in the debate. Is it possible, or is it over now?

The Hon. the Speaker: We will get everyone's views.

Hon. E. Leo Kolber: Am I allowed to ask for leave to move the motions standing in my name?

The Hon. the Speaker: We could come to that. It is rather unusual to have conditional leave, but we have rulings stating that it is appropriate to do so, provided the request for leave is clear and understood.

My understanding of Senator Kinsella's response to the question when leave was asked not to see the clock is that we not see the clock to complete this item. Is that correct, Senator Kinsella?

Senator Kinsella: That is what I said, honourable senators, but only because we had received a courtesy from the government side, which was well appreciated, when we had our Christmas party, and we are trying to facilitate a return of the courtesy. If my suggestion is problematic, I would be happy to withdraw the condition. I am in the hands of the Deputy Leader of the Government.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I am caught between a rock and a hard place. There are certain items, including committee budgets, which we must deal with and which have been on the Order Paper for quite some time. Some senators are asking if we will sit late. I would like to finish with the item currently being considered and finish with the most important work as quickly as possible. I hope to have your cooperation. We will have the same problem again tomorrow. I move that we not see the clock and finish as early as possible.

Senator LaPierre: Honourable senators, does this mean that we must get through all of the Orders of the Day? Must we get through every page of the Orders of the Day? We are now on page 11, and there are 22 pages. Can we debate every item on these pages if we wish? Why would other senators not be given the right to speak?

[English]

The Hon. the Speaker: The question highlights one of the difficulties of not having a yes or no answer. The exchange between the two senators most responsible for house business, namely the deputy leaders, seems to be an understanding of, for instance, the problem of Senator Kolber, who has been waiting to move his motions.

There is agreement to proceed — that is, not to see the clock — to deal with the item that senators are debating. However, I am not too clear on how we would get through the rest of the Order Paper without going through it item by item. Perhaps it would be helpful to the leadership if senators who intend to address items on the rest of the Order Paper were to indicate it now so that they know how long it will take.

Hon. Herbert O. Sparrow: I thought the Deputy Leader of the Opposition agreed to give leave to not see the clock for that one item of business. I believe that the Senate agreed. Now we are changing that decision, for whatever reason, and it may be an important reason. His Honour has now asked senators to indicate who wishes to speak to the remaining Order Paper items. I do not believe that is in any rules of this chamber and I will not grant leave for that. However, if we were to extend the time, then the time would have to be extended to anyone wishing to speak. That has always been the case.

The Hon. the Speaker: I guess that answers the question, honourable senators. Leave is granted only for the item currently under discussion. Senator Sparrow has resolved the issue for us.

Senator Kinsella: Agreed.

Hon. Eymard G. Corbin: I thought that Senator Kinsella had backed up a bit. We all heard Senator Kolber's request for leave. I am not sure leave was granted, but that seems to be what Senator Robichaud called "an important matter." Why would His Honour not seek leave to allow Senator Kolber to move his motions at this time, following which we could perhaps agree to stand all remaining items?

The Hon. the Speaker: I would like to accommodate Senator Corbin's request, but I have a senator saying that either we give leave or we do not give leave, if I understand Senator Sparrow correctly. Leave is only granted without a dissenting voice and I hear a dissenting voice.

Senator Corbin: Will His Honour put the question again?

The Hon. the Speaker: Yes. My understanding, and Senator Sparrow can clarify, is that there is objection to the Speaker interfering in the business of the house in terms of trying to assess how much more business there is to do. That is not provided for anywhere in the rules, and he is quite correct. It would be improper for me to participate any further.

Senator Sparrow is one member of this house. If his answer is no — and I understand that it is — to debating more than this item, then that is a dissenting voice. That ends it.

I think I understand Senator Sparrow clearly, do I not?

Senator Sparrow: The matter may be resolved if, in turn, Senator Kolber would ask for leave to present his motion. I would give leave for that one motion, if the Deputy Leader of the Opposition has retracted his vote, which I do not think he has the right to do, but I will give him that right at this particular time.

The Hon. the Speaker: I wonder for sake of certainty, honourable senators, if we could finish the item we are on and not see the clock. Then when we have finished the item we are on, I will rise again to see if there is leave to not see the clock again. Provided there is no dissenting voice, perhaps Senator Kolber could then rise to ask for leave not to see the clock to deal with his items. Is leave granted to proceed in that fashion?

Senator LaPierre: I would like to finish this debate by moving the adjournment of this item in my name. I wish to speak to it. I am befuddled by all of these rules and regulations. I do not think it is very fair that we should choose who will speak and who will not speak.

• (1810)

An Hon. Senator: Out of order!

Senator LaPierre: What is out of order? My sitting down? I am standing up now. I repeat what I said: I would move the adjournment of this item in my name.

The Hon. the Speaker: It is moved by the Honourable Senator LaPierre, seconded by the Honourable Senator Hubley, that further debate be adjourned to the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

The Hon. the Speaker: Will those honourable senators in favour of the motion to adjourn please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion to adjourn please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe it is even, honourable senators. I must ask again: Will those in favour of the motion to adjourn please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those opposed to the motion to adjourn please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the "yeas" have it.

Motion agreed to, on division.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, we are now at a point where you may wish to ask for leave not to see the clock in order to deal with a further item.

Hon. E. Leo Kolber: I would ask permission not to see the clock for my three motions.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker: There may not be leave.

Hon. Fernand Robichaud (Deputy Leader of the Government): I agree to give leave. However, it must be understood that the other items will be stood and retain their place on the Order Paper. They should not be subject to the clock that counts the days those items have been on the Order Paper.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

BANKING, TRADE AND COMMERCE

BUDGET—REPORT OF COMMITTEE ON STUDY OF STATE OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Banking, Trade and Commerce (budget—study on the domestic and International Financial System) presented in the Senate on December 9, 2002.—(*Honourable Senator Kolber*).

Hon. E. Leo Kolber moved the adoption of the report.

Motion agreed to and report adopted.

BUDGET—REPORT OF COMMITTEE ON STUDY OF THE ADMINISTRATION AND OPERATION OF THE BANKRUPTCY AND INSOLVENCY ACT AND THE COMPANIES' CREDITORS ARRANGEMENT ACT ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Banking, Trade and Commerce (budget—study on the Bankruptcy and Insolvency Act) presented in the Senate on December 9, 2002.—(*Honourable Senator Kolber*).

Hon. E. Leo Kolber moved the adoption of the report.

Motion agreed to and report adopted.

BUDGET—REPORT OF COMMITTEE ON STUDY OF PUBLIC INTEREST IMPLICATIONS OF BANK MERGERS ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Banking, Trade and Commerce (budget—study on the public interest implications for large bank mergers) presented in the Senate on December 9, 2002.—(*Honourable Senator Kolber*).

Hon. E. Leo Kolber moved the adoption of the report.

Motion agreed to and report adopted.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, it being six o'clock, in accordance with the *Rules of the Senate of Canada*, the Senate is automatically adjourned, as I understand it.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate to defer until the next sitting of the Senate all items that have not been considered, I move that the Senate do now adjourn.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. senators: Agreed.

Motion agreed to.

The Senate adjourned until Thursday, December 12, 2002 at 1:30 p.m.

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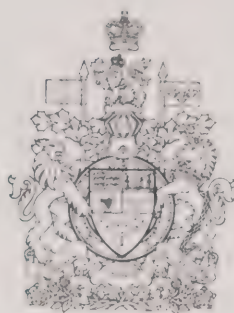
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OFFICIAL REPORT
(HANSARD)

Thursday, December 12, 2002

THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Thursday, December 12, 2002

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

[Translation]

ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

December 12, 2002

Sir,

I have the honour to inform you that the Right Honourable Adrienne Clarkson, Governor General of Canada, will proceed to the Senate Chamber today, the 12th day of December, 2002, at 5 p.m., for the purpose of giving Royal Assent to certain bills.

Yours sincerely,

Barbara Uteck
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

[English]

SENATORS' STATEMENTS

QUESTION OF PRIVILEGE

NOTICE

Hon. E. Leo Kolber: Honourable senators, pursuant to rule 43, I give oral notice that I wish to raise a question of privilege, written notice of which I gave to the clerk's office this morning.

[Translation]

COMMONWEALTH GAMES

SWIMMING CANADA—ADMONISHMENT OF COMPETITOR FOR WAVING QUEBEC FLAG

Hon. Jean Lapointe: Honourable senators, I rise to speak today out of indignation about the hue and cry stirred up by Swimming Canada when Montreal swimmer Jennifer Carroll waved a Quebec fleur-de-lis flag at the last Commonwealth Games.

I am delighted that several ministers have pointed out how ridiculous the situation was, and have spoken out in her favour. It is obvious that Jennifer Carroll's intentions were not political in the least, but merely a gesture of gratitude toward her sponsors, her friends, her family, and everyone who had supported her.

As for Canadian swimming coach Dave Johnson, it seems he may have had an acute over-reaction in calling for the young athlete's suspension for six months for what she did. Is Jennifer Carroll not a Canadian from Quebec, after all?

Furthermore, we did not get all up in arms when Catriona Lemay-Doan waved the flag of Saskatchewan at the Salt Lake City Winter Olympics. Why should so much significance be attached to the actions of this athlete from Quebec? I am just asking.

Honourable senators, as far as I can see, Dave Johnson has three options. First, he could resign and make way for a coach who would focus on athletic performance rather than political propaganda. Second, he should perhaps run for the Canadian Alliance. Or, third, he could simply go jump in the lake, or rather in an Olympic-sized pool!

[English]

CANADA COUNCIL FOR THE ARTS

RETIREMENT OF SHIRLEY THOMSON, DIRECTOR

Hon. Laurier L. LaPierre: Honourable senators, at the end of this month, Ms. Shirley Thomson will retire as Director of the Canada Council for the Arts, a post she has held for the past five years, and a remarkable five years it has been.

Ms. Thomson admits it took her a long time to discover a career, one that began in 1981 when she received her Ph.D. in art history at McGill University. After directing the destinies of the McCord Museum in Montreal, the Canadian Commission of UNESCO and the National Gallery, she finally came to the Canada Council for the Arts.

Since beginning her career, she has devoted her time to helping Canadians, and the world, I might add, to grasp the value and the possibilities of art in the life of a nation and of individuals. With dynamism and intensity she pursued the difficult but attainable goal of excellence, while encouraging the birth of new institutions devoted to creative purposes. She managed her portfolio with great skill, demanding of others the maximum of themselves, as she gave of herself every day.

• (1340)

She is the main founder of the international federation of arts councils and culture agencies and she will continue in her role there. We shall all be the better for it.

Mr. Jean-Louis Roux, the great actor and Chairman of the Canada Council for the Arts, said:

She has devotion, conviction, generosity and moreover, she has faith....She believes in what she is doing and she believes in the importance of arts and culture in our society and she is constantly fighting for the politicians to be convinced of that importance.

Her successor, we are told, will be John Hobday, the Executive Director of the Samuel and Saidye Bronfman Family Foundation in Montreal. If that is the case, then it will be a magnificent gift to Ms. Thomson.

As for this chamber, honourable senators, the Senate should give her the gift of creating a standing committee on arts and culture and dedicating it to her.

I do not know whether this is possible, but I believe in the possibility of miracles.

NUNAVUT

COURT RULING GRANTING INTERIM INJUNCTION AGAINST CERTAIN SECTIONS OF FIREARMS ACT

Hon. Charlie Watt: Honourable senators, I should like to add to my remarks yesterday concerning the ruling on firearms that came down from the Nunavut Court of Justice. It is only proper for me to read from a news release that I have which, in relation to that ruling, states:

Justice Browne's decision granting an interim injunction until the hearing of the stay motion temporarily exempts the Inuit of Nunavut from the application of:

Section 112(1) of the Firearms Act, which makes it an offence to not register a firearm, and

Section 91 and 92 of the Criminal Code, which makes it an offence to use a firearm that is not registered.

Nunavimmiut have a temporary injunction. In other words, registration will not apply until the matter is heard.

Some Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

PEOPLE'S REPUBLIC OF CHINA

REPORT OF VISITING JOINT PARLIAMENTARY DELEGATION TABLED

Hon. Dan Hays: Honourable senators, I rise to table reports of delegations that I, as Speaker, led to China last fall, and to France, Italy and the Vatican this spring.

Honourable senators, with leave of the Senate, pursuant to rule 28(4), I have the honour to table a report of a Joint Parliamentary Delegation to the People's Republic of China from October 13 to 18, 2001, as part of the ongoing parliamentary exchanges between China and Canada.

FRANCE, ITALY AND THE VATICAN

REPORT OF VISITING SENATE DELEGATION TABLED

Hon. Dan Hays: Honourable senators, with leave of the Senate, pursuant to rule 28(4), I have the honour to table a report of the Senate Parliamentary Delegation led by me, that visited France, Italy and the Vatican, from March 5 to 7 and beyond, in the year 2002.

[Translation]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

SEVENTH REPORT OF COMMITTEE PRESENTED

Hon. Lise Bacon, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, December 12, 2002

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

SEVENTH REPORT

Your Committee recommends that the following funds be released for fiscal year 2002-2003.

Legal and Constitutional Affairs (Legislation)	
Professional and Other Services	\$ 11,600
Transport and Communications	\$ 3,200
Other Expenditures	\$ 1,000
Total	\$ 15,870

LISE BACON
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Bacon, notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

[English]

STUDY ON PUBLIC INTEREST IMPLICATIONS OF BANK MERGERS

REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE TABLED

Hon. E. Leo Kolber: Honourable senators, I have the honour to table the sixth report of the Standing Senate Committee on Banking, Trade and Commerce, concerning its special study into the public interest implications for large bank mergers.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Kolber, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

HUMAN RIGHTS

BUDGET—REPORT OF COMMITTEE PRESENTED

Hon. Shirley Maheu, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Thursday, December 12, 2002

The Standing Senate Committee on Human Rights has the honour to present its

SECOND REPORT

Your Committee, which was authorized by the Senate on Thursday, November 21, 2002, to examine and report upon Canada's possible adherence to the American Convention on Human Rights, respectfully requests for the purpose of this study that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

SHIRLEY MAHEU
Chair

(For text of budget, see today's Journals of the Senate, Appendix "A", p. 437.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Maheu, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

[Translation]

OFFICIAL LANGUAGES

BUDGET—REPORT OF COMMITTEE PRESENTED

Hon. Rose-Marie Losier-Cool, Chair of the Senate Standing Committee on Official Languages, presented the following report:

Thursday, December 12, 2002

The Standing Senate Committee on Official Languages has the honour to present its

FIRST REPORT

Your Committee, which was authorized by the Senate on December 5, 2002, to study and report from time to time upon the operation of the Official Languages Act, and of regulations and directives made thereunder, within those institutions subject to the Act, as well as upon the reports of the Commissioner of Official Languages, the President of the Treasury Board and the Minister of Canadian Heritage, respectfully requests for the purpose of this study that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

ROSE-MARIE LOSIER-COOL
Chair

(For text of budget, see today's Journals of the Senate, Appendix "B", p. 443.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On the motion of Senator Losier-Cool, notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

STUDY ON DOCUMENT ENTITLED "SANTÉ EN FRANÇAIS—POUR UN MEILLEUR ACCÈS À DES SERVICES DE SANTÉ EN FRANÇAIS"

REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE TABLED

Hon. Yves Morin: Honourable senators, I have the honour to table the seventh report of the Senate Committee on Social Affairs, Science and Technology, on the document entitled "Santé en français — Pour un meilleur accès à des services de santé en français."

Honourable senators, pursuant to rule 97(3) of the *Rules of the Senate*, I move that the report be listed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1350)

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[English]

STUDY ON PROPOSAL OF VALIANTS GROUP

REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE TABLED

Hon. Norman K. Atkins: Honourable senators, I have the honour to table the fourth report of the Standing Senate Committee on National Security and Defence which deals with the proposal of the Valiants Group for the erection of statues in downtown Ottawa.

Honourable senators, I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate and that a copy be forwarded to the Minister of Canadian Heritage.

Motion agreed to.

GREECE

NOTICE OF MOTION TO ENCOURAGE THE UNITED KINGDOM TO RETURN PARTHENON MARBLES

Hon. Shirley Maheu: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate calls on the Government of Canada to encourage the Government of the United Kingdom to cause the return of the Parthenon Marbles to Greece in time for the Opening Ceremony of the 2004 Olympic Games in Athens.

UKRAINIAN FAMINE/GENOCIDE

NOTICE OF MOTION REQUESTING GOVERNMENT RECOGNITION

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That this house calls upon the Government of Canada:

- (a) to recognize the Ukrainian Famine/Genocide of 1932-33 and to condemn any attempt to deny or distort this historical truth as being anything less than a genocide;
- (b) to designate the fourth Saturday in November of every year throughout Canada as a day of remembrance of the more than seven million Ukrainians who fell victim to the Ukrainian Famine/Genocide of 1932-33; and
- (c) to call on all Canadians, particularly historians, educators and parliamentarians, to include the true facts of the Ukrainian Famine/Genocide of 1932-33 in the records of Canada and in future educational material.

Given that the genocide of Ukrainians (now commonly referred to as the Ukrainian Famine/Genocide of 1932-33 and referred to as such in this Motion) engineered and executed by the Soviet regime under Stalin to destroy all

opposition to its imperialist policies, caused the deaths of over seven million Ukrainians in 1932 and 1933;

That on November 26, 1998, the President of Ukraine issued a Presidential Decree establishing that the fourth Saturday in November be a National Day of Remembrance for the victims of this mass atrocity;

That the fourth Saturday in November has been recognized by Ukrainian communities throughout the world as a day to remember the victims of the Ukrainian Famine/Genocide of 1932-33 and to promote the fundamental freedoms of a democratic society;

That it is recognized that information about the Ukrainian Famine/Genocide of 1932-33 was suppressed, distorted, or wiped out by Soviet authorities;

That it is only now that some proper and accurate information is emerging from the former Soviet Union about the Ukrainian Famine/Genocide of 1932-33;

That many survivors of the Ukrainian Famine/Genocide of 1932-33 have immigrated to Canada and contributed to its positive development;

That Canada condemns all war crimes, crimes against humanity and genocides and;

That Canadians cherish and defend human rights, and value the diversity and multicultural nature of Canadian society.

[Translation]

SENATE

NOTICE OF MOTION TO CREATE SPECIAL COMMITTEE TO OVERSEE IMPLEMENTATION OF BROADCASTING PROCEEDINGS

Hon. Jean-Robert Gauthier: Honourable senators, I give notice that, on Tuesday next, December 17, 2002, I will move:

That the Senate approve the radio and television broadcasting of its proceedings and those of its committees, with closed-captioning in real time, on principles analogous to those regulating the publication of the official record of its deliberations; and

That a special committee, composed of five Senators, be appointed to oversee the implementation of this resolution.

ROLE OF CULTURE IN CANADA

NOTICE OF INQUIRY

Hon. Jean-Robert Gauthier: Honourable senators, I give notice that on Tuesday next, December 17, 2002:

I will call the attention of the Senate to the important role of culture in Canada and the image that we project abroad.

[English]

QUESTION PERIOD

SOLICITOR GENERAL

LISTING OF HEZBOLLAH AS TERRORIST ORGANIZATION

Hon. David Tkachuk: Honourable senators, I have a question for the Leader of the Government in the Senate, and it concerns the current government position with respect to banning Hezbollah. The formal announcement has been made. However, my understanding is, and I wish to clarify it, that while the paramilitary organization and the social and cultural organization have been placed on the terrorist list, it is still legal to be a member of Hezbollah in Canada.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. As he knows, the designation was determined through the process that was passed in Bill C-36, which is now the Anti-terrorism Act. My understanding of that bill is that, in fact, it is not legal to be a member of Hezbollah.

Senator Tkachuk: Honourable senators, this particular issue took a long time to be resolved. The Liberal government seems to be caught in a situation similar to one when Paul Martin attended a fund-raising dinner for the Tamil Tigers. I would like to know if that was the reason for the delay, or was the reason for the delay the fact that the United States has asked Canada to continue to be a haven for known terrorists, as it created an opportune place for intelligence organizations to watch them?

Can the Leader of the Government in the Senate tell me whether, as has been suggested in some newspaper reports, this was a political problem? It has also been suggested that there may be links between the Hezbollah and some organizations within the Liberal Party that could have caused this delay?

Senator Carstairs: Honourable senators, absolutely not.

• (1400)

Senator Tkachuk: Honourable senators, was there consideration by the cabinet, or people responsible, that the Hezbollah had influence on some seats that the government wished to hold and that that has caused a delay in this question?

Senator Carstairs: Absolutely not.

FOREIGN AFFAIRS

LISTING OF HEZBOLLAH AS TERRORIST ORGANIZATION—EFFECT ON RELATIONS WITH LEBANON

Hon. A. Raynell Andreychuk: Honourable senators, now that Hezbollah has been ruled to be a terrorist organization within Canada — and, incidentally, I believe that it is appropriate that this action was taken at this time in light of the statements made by the leader of Hezbollah — what will be Canada's foreign

policy position toward Lebanon? Will we continue to trade with Lebanon in exactly the same way we do now? Will we continue to provide aid to Lebanon in the same way, given the fact that Hezbollah is part of the Parliament of Lebanon and part of a government system in Lebanon? Finally, how will we now assess refugee claimants who come to Canada and claim to have links to the Hezbollah? Will we indicate that it does not matter what arm of an organization a person is associated with? Will they be tainted by that organization if they belong to and know about the activities of that organization?

I appreciate the leader might not have the answers to those questions today, but I would appreciate receiving them at some time.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for her questions. The foreign policy arrangement with Lebanon continues in the way that it did before in terms of potential refugee claimants who have links to Hezbollah, since it is illegal to be a member of the organization. Obviously, those would be refugee claimants whose claims would be considered invalid.

FOREIGN AFFAIRS NATIONAL DEFENCE

POLICY REVIEWS

Hon. Douglas Roche: Honourable senators, since this is the last opportunity we will have to speak to the Leader of the Government in the Senate for a little while, I should like to extend to her the compliments of the season and wish her and her family all the best. In the spirit of today, I wish to ask an easy question, and I do not think there will be a supplementary.

What has happened to the famous defence and foreign policy reviews that was promised in the Speech from the Throne about 12 weeks ago and that has been referred to in several exchanges over the course of the fall session? Perhaps the minister would like me to stop asking questions about the review if nothing is to happen.

Would the minister agree that the world is going through a defining moment in relation to the security agenda that affects every person on the planet, not to mention every single Canadian? The issues of arms control development, human rights and environmental protection are at the core of the security of every Canadian and must be examined in an organized, profound and public way. I content myself for the moment by asking the minister if she could advise the Senate as to what, if anything, is happening with the promised foreign policy and defence reviews?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, unfortunately, I cannot give any further information to the honourable senator than I have given him in the past. It is my understanding that this matter is under active discussion, but beyond that, I cannot give any further information.

Honourable Senator Roche is quite right. The world is at a very difficult stage, I think, on a number of fronts. I will again carry his representations forward, as well as my own, to see if we can get some clarity on this issue. I also return his compliments of the season.

JUSTICE

ENFORCEMENT OF FIREARMS ACT

Hon. Lowell Murray: Honourable senators, yesterday, I asked the Leader of the Government a question concerning the apparent readiness of federal officials to contemplate a checkerboard approach to the enforcement of the gun registry laws in this country. In reply to that question, the minister reminded us of the reality that marijuana possession laws are also enforced unevenly across the country.

I was intrigued by that reply and I have been reflecting on it for the past 24 hours. My reflections give rise to the following: The reasons for the uneven enforcement of marijuana possession laws across the country are two, and they are related. First, the law is virtually unenforceable, unless one wanted to contemplate an army of police using the most intrusive methods imaginable. Second, the marijuana possession laws do not have a consensus of support in the country. Public opinion is divided. It may be a regional or a generational thing but, in any case, public opinion is divided on those marijuana possession laws.

Therefore, since it is the Honourable Leader of the Government who brought the subject up, let me ask her to confirm whether those same two circumstances apply to the gun registry law?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the gun law is highly enforceable. I would agree with Senator Murray that, because there is a clearly divided view about marijuana, that consensus would not be easily found. However, if one is to judge by public opinion polls, and one never knows how absolutely accurate they are, there is a consensus on gun control and gun registration.

SOLICITOR GENERAL

ARREST OF SUSPECTED TERRORIST

Hon. J. Michael Forrestall: Honourable senators, I will come back to a general area of terrorism and questions asked earlier. I will ask a question based upon a story in *The Ottawa Sun*, today, about the arrest of a suspected terrorist. Can the minister tell the chamber if she has been briefed on this issue and whether it involved a threat against a target here in the National Capital Region?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I can confirm for the honourable senator what I am sure he knows already, that indeed an arrest took place. However, since the matter is now within the justice system and prosecution will take place in due course, I cannot comment any further.

Senator Forrestall: Did the minister say prosecution or deportation would take place?

Senator Carstairs: A security certificate was signed in this particular case based on the fact that the government believes that the individual is inadmissible to Canada. However, that has to be proven, which will require the appropriate court action.

JUSTICE

CHANGES TO FIREARMS REGULATIONS—
EXTENSION OF GRANDFATHERING PROVISIONS

Hon. Gerry St. Germain: Honourable senators, my question is to the Leader of the Government in the Senate. It is a sort of slow pitch to clean up. The leader has done a great job answering our questions over the year.

Hon. Senators: Hear, hear!

Senator St. Germain: The honourable leader has not always given us the answers we want, but she has been forthright and she has done a great job.

Yesterday, in regard to Bill C-10A, the Leader of the Government in the Senate said:

Obviously, if the legislation is not passed, that grandfathering will not exist.

Has she had time to check with the Minister of Justice as to whether there will be an amnesty like there is on the other aspects of the enforcement of registration?

Hon. Sharon Carstairs (Leader of the Government): I have to say to the honourable senator that I can provide no additional information than what I gave him yesterday on this particular situation. It is still possible, although I would say probably unlikely, that the House of Commons could deal with this issue. It is not on their daily Order Paper for today, but it could be on their Order Paper for tomorrow. Beyond that, I cannot give any further information to the honourable senator.

• (1410)

Senator St. Germain: My question is not as to whether they will deal with it. I believe the minister himself granted the amnesty extension on the registration aspect. My question is this: Will the minister extend a similar type of amnesty respecting the grandfathering aspect of Bill C-10A — which will not be passed as a result of Bill C-10A not getting through the House of Commons?

Senator Carstairs: I suspect that no decision will be made on that until it is clear that it will not pass through the House of Commons.

[Translation]

UNIFORM ENFORCEMENT OF FIREARMS ACT

Hon. Pierre Claude Nolin: Honourable senators, to follow-up on Senator Murray's questions, I would like to discuss the enforcement of the Firearms Act and the parallel the Leader of the Government in the Senate has drawn with the Controlled Drugs and Substances Act.

As you know, the Special Senate Committee on Illegal Drugs discovered that the Controlled Drugs and Substances Act was not enforced the same way by all the the provinces. Worse yet, it was enforced differently within the same province. The committee discovered that police officers, who are also citizens, have different perceptions of their role with regard to the enforcement of criminal law.

The Firearms Act is also a penal law passed by the federal Parliament, and it is the provincial and police authorities that are responsible for its enforcement. That is how our Constitution works. What is the government doing to ensure that legislation that represents the wishes of the Parliament is enforced in a consistent, uniform fashion across the country? Inconsistent enforcement leads to non-compliance with the act by police officers and, consequently, the public.

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the honourable senator uses the words “respectful,” “equal” and “uniform fashion.” I believe it would be the desire of every Canadian, that the Criminal Code be applied in a respectful, equal and uniform fashion.

Having said that, the police authorities are somewhat masters of their own policies, and their procedures are not within the direct control of the Government of Canada. Certainly, it would be the hope and desire of the government that it would be put into force and effect in exactly the way he has described it, that it would be respectful, equal and uniform.

[Translation]

Senator Nolin: Would it not be appropriate for the federal government, in addition to passing legislation, to draw up, in conjunction with its provincial and municipal partners, strategies based on the legislation that are required if the objectives of uniform enforcement and compliance with the law are to be met?

[English]

Senator Carstairs: Honourable senators, I would agree with the honourable senator that it is of value to have strategies and objectives. He is well aware that some provinces, his own being one of them, are supportive of this piece of legislation. There are other provinces, I think, regrettably, that have not been as supportive. In order to effect the strategies and objectives, it will take meetings of justice ministers across the country to get everyone, to use a phrase, singing from the same hymn book.

[Translation]

Senator Nolin: Provincial partners do not include only the provincial governments. As far as I know, social, economic and medical stakeholders have also defended the government's objectives on the firearms control issue. Would the government not think it worthwhile to go beyond the politicians — but not out of any lack of respect for these provincial partners — and to attempt to involve those stakeholders who are greatly concerned about compliance with these laws? That way, it would be assured of the greatest possible uniformity in enforcement and the greatest possible respect for the intention of Parliament, which enacted the legislation.

[English]

Senator Carstairs: Honourable senators, the most important stakeholders are Canadian citizens, the vast majority of whom support gun licensing and gun registration. It is important to engage all Canadians on this issue.

[Senator Nolin]

One of the criticisms of the firearms process is that of the enormous costs, one of which relates to advertising, in an effort to give people a better understanding of this law. We may find that more of that kind of public relations engagement is necessary. I also think we need to involve people like physicians who work in the emergency rooms of this country. Frankly, they are very strong in their support for this legislation.

The honourable senator is a member of the Legal and Constitutional Affairs Committee, as am I. I remember the testimony of one physician who said, “If you give me a young person who has attempted to commit suicide by something other than a gun, I probably can save that young person's life; unfortunately, I cannot save that young person's life if suicide has been attempted with a gun.”

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF SENATE

Leave having been given to revert to Notices of Motions:

Hon. Peter A. Stollery: Honourable senators, with the leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Foreign Affairs be empowered, in accordance with Rule 95(3), to hold meetings during the last week of January 2003.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

Hon. John Lynch-Staunton (Leader of the Opposition): I have a question for the chairman. For those of us who may be in Ottawa and who like to attend meetings of that committee, will those meetings be held in Ottawa?

Senator Stollery: The meetings will be held in Ottawa, honourable senators. We are in the planning process at this point.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

• (1420)

QUESTION OF PRIVILEGE

Leave having been given to Proceed to Questions of Privilege:

Hon. E. Leo Kolber: Honourable senators, I rise to ask His Honour the Speaker to find that there is a prima facie case that the Senate's privilege has been breached.

Assuming that His Honour makes such a ruling, I will move that the matter of the premature disclosure of the Standing Senate Committee on Banking, Trade and Commerce's report on the public interest implications of large bank mergers be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.

I am aware of the provisions of Appendix IV of our rules that state that our committee should conduct its own investigation. I have consulted with other members of my steering committee, namely Deputy Chairman Senator David Tkachuk and Senator Richard Kroft. We are of the opinion that, given the apparent nature of the premature disclosures in at least two, and probably three, instances, it would be more appropriate for this matter to be dealt with directly by the Standing Committee on Rules, Procedures and the Rights of Parliament.

The facts of the situation are as follows: At approximately 3:48 p.m. yesterday, Wednesday, December 11, 2002, an article was published and distributed by the Reuters News Agency. This article dealt with the Banking Committee's report with respect to the public interest implications of large bank mergers, tabled earlier today, December 12, 2002.

The article dealt with the specifics of the report and includes comments from a senator on the banking committee. The senator is quoted as having said, "It's a unanimous report saying that the mergers are a legitimate business strategy for banks."

The article then goes on to quote the senator making another statement with respect to the report. The article states:

"It's toned down a lot We (Conservatives) would highlight more clarity is needed,"... adding the committee members were "absolutely" unanimous on the importance of economies of scale to make the banks bigger global players.

Honourable senators, I submit that this alone constitutes a breach of the Senate's privilege as it publicly discusses conclusions of the committee's report prior to the report being tabled in this chamber.

In addition to this article, there are front-page stories — which I wish to add are very salutary and the publicity is good; however, they got there in the wrong way — in both *The Globe and Mail* and *National Post* which cite, in great, detail the contents of the committee's report, often using the same language as is found in our report.

It appears to me and other members of the committee that someone actually seeing either a draft or a final copy of the committee's report could only have achieved the level of detail and accuracy found in these stories.

Honourable senators, I want to stress that at no time was this report ever in the public realm prior to my tabling it earlier today. The committee met in camera on two occasions to consider draft reports. The report was never publicly discussed prior to the articles in question.

This is of great concern to the members of the Banking Committee and to me. This committee, when it obtained its terms of reference from the Senate, agreed to table its report in the chamber first. Our terms of reference do not give us the right to table a report when the Senate is not sitting.

Too many times in the past we have seen in this chamber and in the other place leaks of all or part of a committee's report. Frankly, such action is an insult to this chamber and to the members of this committee who put in many hours of work during five days when they heard from 39 witnesses.

I would therefore ask His Honour the Speaker to find that there is a *prima facie* case that the Senate's privilege has been breached.

Senator Lynch-Staunton: Hear, hear!

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the honourable senator has indicated to us that the report in question that was tabled earlier today was in draft form and was considered at two earlier meetings. Could the senator tell us when those meetings were held?

While the honourable senator is on his feet, perhaps he could advise this chamber as to how many copies of the draft report were circulated, who was present, and where the meetings were held. That would be helpful in assisting me to understand the facts.

The other concern I have is that the honourable senator has drawn our attention to a Reuters story from yesterday. I have a copy of it. In the second paragraph of that article, it reads:

...Sources in the government and in the Liberal Party said the report, due for release today, is likely to find a receptive audience in the party caucus and perhaps with Finance Minister John Manley and Junior Finance Minister Maurizio Bevilacqua, although that will depend on the merits of specific proposals.

Would the honourable senator care to comment on those sources in the government and the Liberal Party who have spoken of the report?

The other matter I wish to raise with honourable senators is the matter of procedure. I believe this procedure might be premature at this point. Our rules provide, in rule 43, as the honourable senator has done, for the raising of a question of privilege. It is for His Honour to determine whether or not a *prima facie* case of privilege exists.

I think our Rules Committee, some 15 or 18 months ago, brought in important amendments that honourable senators will find in Appendix IV of the *Rules of the Senate*. It would assist honourable senators if we all understood the process.

My understanding is that if His Honour finds there is no *prima facie* case of breach of privilege, then that is the end of the matter. However, if His Honour finds *prima facie* that there seems to be some impropriety, then, in respect of the motion to which the honourable senator referred, which he was prepared to make in the circumstances, Appendix IV(c) provides that the motion automatically stands adjourned, and that the matter must be considered by the committee in question. The committee must look into the circumstances surrounding the leak.

Honourable senators, I believe that, obviously, any issue of privilege affects all of us. All honourable senators have a responsibility to ensure that the privilege of the house is maintained. Honourable senators must understand the process they are following. I believe that to have the process held in abeyance or not followed would be an unsuitable way of approaching the problem.

Senator Kolber: The honourable senator has asked many questions.

The in camera meetings were held last Wednesday and this past Tuesday. On each occasion, a copy of the draft report was distributed to each senator. Staff members were present to assist honourable senators. Beyond that, I do not know what I can add.

Anyone could have gotten a copy of the draft report and sent it out. The only concrete question of privilege we are talking about is the Reuters story, because in it a senator is identified by name. It seems clear to me.

The honourable senator has asked many questions. I do have the story in front of me. When they cite "...Sources in the government and in the Liberal Party," I have not got a clue what they mean.

I would have no reason to say that Minister Manley or Junior Finance Minister Maurizio Bevilacqua will read our report; maybe they will, maybe they will not. Our report states: Get out of the process as much as possible. We understand there is a political element to all of these things. We are saying it should be kept to a minimum.

On the question of the Rules Committee, I am not au courant enough to answer that. I did say, in my remarks, that the committee and I are aware of the provisions of Appendix IV to our rules. I discussed it with my deputy chair, Senator Tkachuk, and the other member of the steering committee, Senator Kroft. We believe it would be more appropriate for it to be dealt with by the Rules Committee. If there are strong objections to that, I will not fight them. If it is the wish of the Senate that our committee consider this matter, then we will do that. However, I do not think we will be able to come up with any answers.

• (1430)

Hon. Richard H. Kroft: Honourable senators, I should like to address a couple of matters in regard to this question of privilege. First, in terms of the Reuters story, if one looks at the article, the Deputy Leader of the Opposition has raised a speculative comment that a receptive audience may be found, depending on what the document says. If the implication were that someone else might have knowledge of this report, there is nothing in that article to support this question.

I wish to address specifically the question of privilege, in particular in the context of Appendix IV. It is always up to the Speaker to determine a prima facie case. In my submission, the fact of an interview given by a named senator to the Reuters news service, quoting some essential facts from the report and the fact that the report is unanimous, which is an important fact in itself, is a strong prima facie case.

As honourable senators will be aware, when they have the report in front of them, the detail in the newspaper stories today provides the powerful implication that somebody had the report. It is impossible to conceive that, given the accuracy and thoroughness of the report, they did not have the report in front of them. However, that will be for an investigation for whatever committee to determine.

It seems clear that someone had the information before him or her, in particular, when a member of the committee in his own name gave an interview.

Finally, I turn to the issue of the rules and Appendix IV, — and I am sensitive to this because I was part of the discussions that carefully addressed those rules. We contemplated exactly this kind of circumstance and what would be the most effective way for a committee to deal with such an event. Having been party to that discussion, I now have the obligation to stand here to explain why I agree with the motion to put the matter to the Standing Committee on Rules, Procedures and the Rights of Parliament.

The history and the unusual circumstances of this case are what compel me to speak. I have affection for the provisions of Appendix IV, because I contributed in some way to their creation. In terms of the interview with Reuters, we do not have a great mystery to solve, unless Reuters has dramatically misinformed the world. We have statements on the record by a named senator; that does not require much of an implication. That would directly put at least that element of the matter into the hands of the Rules Committee, because Appendix IV contemplates the committee to be the most effective agency for gathering the information, the details of the matter. There is little to gather in that particular case. Hence, in terms of the Reuters story, that matter would clearly go to the Standing Committee on Rules, Procedures and the Rights of Parliament.

The second point is that we have a history in the Banking Committee. This is not the first time such an event has happened. The report on capital gains taxes was revealed prematurely as well. We conducted an investigation. We were not able to arrive at a conclusive decision as to what happened. It is with the recollection of the frustration of that particular situation and the similarity of the circumstances that I find the suggestion of going to the Standing Committee on Rules, Procedures and the Rights of Parliament perhaps a useful route.

In the course of the debate on the capital gains report, and the point of order raised on that matter, we did have a discussion in this chamber. At that point, the report of the committee that led to Appendix IV was before the house but had not yet been approved. In speaking to the matter, and on the understanding that the report would be approved, Senator Murray observed that, as he understood the recommendations of the Rules Committee, the question of privilege could still be considered by the Rules Committee while the Banking Committee conducted an investigation on its own to determine where responsibility lay for the leak.

I agree with the opinion expressed by Senator Murray. We would do that in any case, but if it is the wish of the house, and as the chairman has said, the Banking Committee can and no doubt will do its best to find out what happened. Taking the suggestion of Senator Murray, and in the particular context that I have outlined here, we would most effectively take this matter to the Rules Committee.

The Hon. the Speaker: Senator Cools is rising, and I know that she considers it important to be recognized when she rises.

Hon. Anne C. Cools: Honourable senators, I was out of the chamber, trying to put my hand on the articles in question. I am still working on that. I guess I will have to pass.

Hon. Lowell Murray: Honourable senators, I wish to say a word on the question of the *prima facie* case of privilege. I have not read the Reuters report, either. However, what we have here is a statement on the authority of the chairman of the committee that there has been an unauthorized disclosure of a report before that report was tabled in the Senate. I do hope, regardless of the process we use and where that process takes us, that Your Honour will, in the first instance, declare that such an unauthorized disclosure of a report before it has been tabled in this chamber is clearly a *prima facie* breach of privilege.

This habit of leaking reports and draft reports and briefing journalists on the reports is all too common, notably, I may say, in the other place. Not only is leaking common with regard to committee reports, but also it is, unfortunately, the practice; indeed, I would say, part of a deliberate communications strategy on the part of ministers of the Crown and their advisers, to leak reports or government decisions that Parliament has a right to hear about first.

Hon. Jack Austin: This is a report of the committee.

Senator Murray: I would advise Senator Austin that I understand that this is a report of a committee. I am saying that it is an all too common occurrence here and in the other place that reports of committees are disclosed before they are tabled. It is also too common with government ministers and their advisers to disclose decisions and policies that Parliament should hear about first, to disclose them to selected journalists. It is equally a breach of the privileges of Parliament, and not just a breach of the privileges of the House of Commons.

There are cases where our privileges, as well as those of the House of Commons, are breached by these practices. I am waiting for one to occur, as it inevitably will, so that I may raise the appropriate question of our privileges in this place.

Senator Austin: Honourable senators, the first question that arises in this matter is the question of whether there is a *prima facie* breach of privilege. That is not a question that needs to be attached directly to the responsibility of any one individual; it is a question separate and apart. Do the facts indicate that a breach of privilege has taken place?

In the question that Senator Kolber, as Chair of the Banking Committee, has raised, he has mentioned a specific document and

he has mentioned that a senator is specifically named in that document. I wish to ask Senator Kolber to establish the key causal connection, not seeking to have him name the senator but to tell the Senate whether that senator, to Senator Kolber's knowledge, had received a copy of that report.

Senator Kolber: Absolutely.

• (1440)

Senator Austin: In that case, I move to the issue that Senator Kinsella raised, that is, Appendix IV(c), which states:

...it would be expected that the substance of the question of privilege would not be dealt with by the Senate until the committee had completed its investigation.

That committee, in this case, would be the Banking Committee.

When I was chair of the Rules Committee, it was the unanimous opinion of that committee that, when a breach of privilege was alleged, the committee whose report was the subject of the breach had the best first opportunity to deal with the facts.

This occurred in the case of a report of the Standing Senate Committee on Transport and Communications, and a question of privilege was raised by Senator Bacon, who also came before the Rules Committee of the day to give evidence.

The question, which may not be directly before us at the moment, but which has been commented upon by Senator Kinsella, is whether there are any extraordinary circumstances that would lead the Standing Committee on Rules, Procedures and the Rights of Parliament to deal with the matter. I wish to ask Senator Kolber whether there is any special reason that it would be in the interests of best procedure for the Rules Committee to deal with the matter rather than the Banking Committee, which is assumed by the rules to be in possession of more of the facts and more of the circumstances, by definition, than a committee that had not dealt with any of these questions.

Senator Kolber: Honourable senators, I discussed this matter with members of our committee, and we concluded that the Rules Committee was far more capable of investigating than were we.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, when I first received a copy of Senator Kolber's question of privilege, I was quite chagrined because the word "disclosure" is used, and obviously that does undermine the privileges of this place. However, hearing the exchange and reading the article that has been quoted, I do not see anywhere that any part of the report has been disclosed. All I see is a quotation from Senator Angus saying that it is a unanimous report and that mergers are a legitimate business strategy for banks. There is nothing new in that observation. As I recall, even before the hearings started, Senator Kolber said he favoured bank mergers. The law allows mergers. As Senator Angus is quoted as saying, mergers of any sort are a legitimate part of any business, if they follow certain rules.

If someone can bring quotations that actually come from the draft report, I would be more impressed. All I see now is, perhaps, a mild indiscretion stating a conclusion that anyone who followed the hearings of the committee knew it would reach. The purpose of the committee was not to look into bank mergers as such but rather to define the term "public interest," at the request of the Minister of Finance.

What Senator Angus is quoted as saying cannot be called disclosure. He is also quoted as saying that the report was toned down a lot and that they wanted more clarity. I do not call that disclosure; I call it a comment or perhaps a mild indiscretion. Unless there are direct quotations from the report published in the press prior to the tabling of the report, I am not convinced that this is a question of privilege.

Senator Cools: Honourable senators, it is proving difficult to follow the debate. There has been frequent reference to a newspaper article provided by the Reuters news agency. It is difficult for most of us to follow the debate with intelligence because the article is not before us. How can we continue to have an intelligent debate absent the particular article?

Perhaps we could interrupt the debate and have the article circulated to senators. I do not think it is reasonable to proceed in the absence of knowledge, particularly in that this situation involves a senator who is not present in the chamber. It seems to me that that makes it even more difficult to follow this debate carefully. We should at least have the facts properly before us.

I do not know quite how to tell you to proceed, Your Honour, because your role in this matter is simply to make a ruling about whether there is the appearance of a breach of privilege. The judgment as to whether there is, in fact, a breach of privilege belongs to the chamber itself.

In addition, I hear much reference to the Standing Committee on Rules, Procedures and the Rights of Parliament. However, rule 44(1) allows a motion to be moved if Your Honour finds that there is a prima facie breach, and the debate would properly take place on that motion.

Most senators seem to think that they have a blind obligation to move a motion referring the matter to the Standing Committee on Rules, Procedures and the Rights of Parliament. However, in point of fact, that motion can be to refer the question to any committee the mover chooses, or it can even say that the mover has a particular remedy in mind.

However, since this issue involves a particular senator, I think we have a duty to proceed with greater care and caution. It is not that we do not normally proceed with great care and caution; it is only that this imposes a greater burden on us to do that.

I, for one, would like a copy of the article in order that I can read it and be able to speak with more intelligence to the matter. As honourable senators know, I am often willing to say that I believe there is a prima facie breach or that there is not. However, I am finding it very difficult to form such an opinion with absolutely nothing before me.

The Hon. the Speaker: Honourable senators, other senators wish to rise, and I will recognize them, but I wish to draw attention to the time that is passing. I have heard a lot and I think I am in a position to deal with this question. I do not want to cut anyone off, but I would ask senators to be fairly brief.

Senator Kroft: I believe the disclosure that the report is unanimous is, in itself, an essential fact. More to the point and of more significance to this argument is that the Reuters interview, which most of the comments have involved, is only one aspect of this situation. The front pages of today's papers are full of lengthy articles that could only have been produced by someone with the report. Taken together, that is the substance of the privilege. It is inconceivable, in my view, that anyone could have written those articles without either having the report or having very extensive knowledge of it.

Let us not get off on a tangent about that one interview.

Senator Kinsella: Honourable senators, it is for His Honour to ascertain when he has heard enough to determine whether there is a prima facie case of privilege. However, I simply wish to draw to His Honour's attention the fact that a particular senator now has been named in this discussion.

• (1450)

I am able to advise His Honour that a number of honourable senators, including this particular senator, are attending a memorial service for Senator Molson in Montreal. In the past, when this sort of situation presented itself, the opportunity was given to the senator involved, who was not present at the time, to be heard. I simply remind His Honour of that situation.

Senator Kolber: Honourable senators, there is not much left to say, except that I agree with Senator Kroft. There are two huge front-page stories that basically quote from our report. How they got there, I have no idea. The Leader of the Opposition says that the Reuters story is a minor indiscretion. I do not know if it is minor or major. I suppose, if someone robs a big bank, they go to jail. If they rob a little one, they get slapped on the fingers. I do not know. Whatever the situation, parts of the report were released. I do not know how one can argue with that.

I leave it to the house to decide what to do in this case.

SPEAKER'S RULING

The Hon. the Speaker: I thank honourable senators. I am prepared to give a decision on this question of privilege.

I have listened carefully. In the course of the interventions, I came to the conclusion that I should deal first with the procedure because it is important that I deal with it. It has been raised. A number of the interventions have illustrated the importance of the new procedure in that some of the interventions go to the very issue of whether there is not just a prima facie case but an actual breach of privilege. The new provisions of our rules, which have never before been used under these circumstances, have considerable merit, highlighted by the tendency to get into the specifics before setting forth the manner in which a decision will be made.

The rules as they are now, with the appendix from which Senator Austin quoted, Appendix C, would indicate that the substance of the question of privilege would not be dealt with by the Senate until the committee had completed its investigation. This answers the concerns of Senator Lynch-Staunton and Senator Cools. If we follow the rules, the Banking Committee will present a record to this place, which will be part of the debate because the motion to refer is a debatable motion that can be dealt with by all senators before the matter goes to the Standing Committee on Rules, Procedures and the Rights of Parliament. That is a wise procedure to follow.

The subject matter of the question of privilege is a Reuters newspaper article, which, if I am not mistaken, came out today. While the steering committee has a view on this matter, it may well be that discussion in the committee will produce a record that is important to the decision of the Senate as a whole, which it must make on the debatable motion, which, if the Speaker finds a *prima facie* case, goes to the whole chamber to then be referred to or not, on a vote of everyone here, to the Rules Committee.

I believe there is wisdom in following that approach. I am not sure what the Speaker's role is in that respect. The words of Appendix IV(c) are interesting: "...it would be expected." I thought I would make that point first.

It is fairly clear from the past practice of this place that the leak of a document constitutes a *prima facie* case of privilege. Accordingly, I so find. If we follow the procedures set out in Appendix IV of the *Rules of the Senate*, it would then fall to the Banking Committee to do an investigation and present a report, which would then be the subject matter of debate as part of the motion that comes back here, as it is adjourned until the Banking Committee does the report. It would come before all senators, who would then be asked to make a decision as to whether to refer it to the Rules Committee.

ORDERS OF THE DAY

PEST CONTROL PRODUCTS BILL

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Morin, seconded by the Honourable Senator Hubley, for the third reading of Bill C-8, to protect human health and safety and the environment by regulating products used for the control of pests,

And on the motion in amendment of the Honourable Senator Keon, seconded by the Honourable Senator Buchanan, P.C., that the Bill be not now read a third time but that it be amended:

(a) in clause 2, on page 4, by replacing lines 36 and 37 with the following:

"meets the requirements of subsection 43(4).";

(b) in clause 43, on page 35,

(i) by replacing lines 22 to 39 with the following:

"(5) Information that contains the identity or concentration of an active ingredient, formulant or contaminant in a pest control product is not confidential business information for the purposes of this Act.", and

(ii) by replacing line 41 with the following:

"designated under subsection (4) does not"; and

(c) in clause 67,

(i) on page 53, by deleting lines 37 to 39, and

(ii) on pages 53 to 55, by relettering paragraphs (o) to (z.5) as paragraphs (n) to (z.4) and any cross-references thereto accordingly.

Hon. Marjory LeBreton: Honourable senators, apropos the comments made by Dr. Keon yesterday, I should like to congratulate our colleague Dr. Morin for his steerage of this bill.

Bill C-8 replaces the old Pest Control Products Act, which has been on the books for 33 years. Obviously, given new technologies and new data, this legislation is urgently needed.

The PCPA is the primary federal legislation to control the import, manufacture, sale and use of all pesticides, including insecticides, herbicides and fungicides, in Canada. There has been some criticism of the government by advocacy groups for dithering on its intention to update Canada's 33-year-old pesticide legislation.

The federal Commissioner of the Environment and Sustainable Development also criticized the government for its approach to managing the regulation of toxic substances, including pesticides, in a section entitled "Managing Toxic Substances," comprising chapters 3 and 4 of its report issued in 1999.

This bill was introduced as Bill C-53 in the First Session of the Thirty-seventh Parliament. It died on the Order Paper after it was amended and passed by the House of Commons when Parliament was prorogued in September.

Among other issues, this bill outlines the health minister's mandate in administering this act, including the primary objective of preventing unacceptable risks to people and the environment from the use of pest control products. It allows for the creation by the minister of an advisory council to assist the minister in fulfilling his or her mandate. It spells out a number of prohibitions with respect to the manufacture, possession, handling, storage, transportation, importing, exporting, packaging, advertising and distribution of pest control products. It also spells out offences and punishments for those found guilty of contravening the prohibitions contained in it.

Bill C-8 provides for a fairly elaborate registration and evaluation regime for pest control products. The evaluation component of this process will be governed by three criteria: one, the health risks of the pest control product; two, the environmental risks of the product; and three, the value of the product's contribution or potential contribution to pest management.

Honourable senators, when this bill was before our committee, I was specifically concerned that there was not enough in the bill dealing with adverse effects and the public's knowledge of them. Specifically, I felt that information should be much more readily available.

It is my view that the general public or the consumers, as certainly I see myself to be in this case — I am certainly not an expert — are not sufficiently informed of active ingredients, formulants or contaminants in these products, and there are not sufficient guarantees that the public has easy access to this information, such as is the case in other OECD countries. I was particularly struck by the words of Ms. Jan Kasperski, Executive Director of the Ontario College of Family Physicians, who said in committee:

Let me be clear: Pesticides are designed to kill. They do so by disrupting processes inside cells. Their ability to disrupt cellular processes in animals and in vegetation means that they can disrupt human cell processes as well.

It seems to me, therefore, honourable senators, that we would be well served if the legislation were strengthened to include mandatory reporting of adverse effects.

MOTION IN AMENDMENT

Hon. Marjory LeBreton: Honourable senators, I move:

That Bill C-8 be not now read a third time but that it be amended:

(a) in clause 13, on page 16, by replacing lines 21 to 28 with the following:

"13. (1) An applicant for registration of a pest control product or a registrant shall report to the Minister, within the prescribed time and in the form and manner directed by the Minister, any new information that arises subsequent to registration of the product that relates to —

• (1500)

The Hon. the Speaker: I understand why Senator Robichaud is rising.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, Senator LeBreton is proposing a second amendment, while we are discussing another we should dispose of first. I am pointing this out so that she may propose her amendment according to our usual procedure.

[English]

The Hon. the Speaker: Senator Robichaud is correct. The only additional amendment we might consider would be a

[Senator LeBreton]

subamendment that dealt specifically with the amendment of Senator Keon.

We are in a situation where before we can consider any further amendments, we must deal with Senator Keon's amendment unless there is leave to stack the amendments. I do not think that is available

Senator Carstairs: No, there is no leave.

The Hon. the Speaker: Is it the wish of the chamber to deal with Senator Keon's amendment now?

Senator Carstairs: Question!

The Hon. the Speaker: If we do deal with it now, I could go back to Senator LeBreton and her amendment could be considered.

I have heard no dissenting voice to the suggestion that we deal with Senator Keon's amendment now. If we do that, I will return to debate on the main motion. Senator LeBreton, if she still has time, could then move her amendment.

Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: All in favour of the motion in amendment, please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion in amendment, please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the "nays" have it.

I see no senators rising for division, and I declare the motion in amendment lost.

We return to the main motion and the Honourable Senator LeBreton.

Senator LeBreton: I have been asked to proceed, so I shall soldier on. I move:

That Bill C-8 be not now read a third time but that it be amended:

(a) in clause 13, on page 16, by replacing lines 21 to 28 with the following:

"13.(1) An applicant for registration of a pest control product or a registrant shall report to the Minister, within the prescribed time and in the form and manner directed by the Minister, any new information that arises subsequent to registration of the product that relates to

- (a) the health or environmental effects of the product;
- (b) actual harm to human health or the environment caused by the product;
- (c) maximum residue limits for the product or its components or derivatives; or
- (d) the presence of residue in the environment.

(2) A person who makes an application under subsection 10(2) shall report to the Minister, within the prescribed time and in the form and manner directed by the Minister, any new information that arises subsequent to any specification of maximum residue limits made under subsection 10(1) pursuant to the application that relates to

- (a) the health risks of the product or its components or derivatives;
- (b) maximum residue limits for the product or its components or derivatives; or
- (c) the presence of residue in the environment.

(3) In addition to reporting the information required under subsection (1) or (2), as the case may be, an applicant for registration of a pest control product, a registrant or a person who makes an application under subsection 10(2) shall report to the Minister, within the prescribed time and in the form and manner directed by the Minister,

- (a) annually, information on the usage of the pest control product, including the crops on which the product has been used, the average number of treatments per crop at a specified application rate, and the total usage per crop;
- (b) information respecting any effects of the pest control product on species or groups of species set out in Schedules 1 and 2 of the *Species at Risk Act*, or effects on indicator species, if there are reasonable grounds to suspect adverse effects are or might be occurring; and
- (c) any prescribed information that relates to the health or environmental effects or the value of the pest control product.

(4) In evaluating or determining whether the health and environmental effects of a pest control product, or the health risks associated with maximum residue limits specified by the Minister under section 9 or 10, are acceptable, the Minister shall consider

- (a) any information reported under subsections (1) to (3); and
- (b) any other information respecting such health or environmental effects, or respecting the presence of residue of registered pest control products in the environment, that is reported to the Minister by any person.

(5) After considering the information referred to in subsection (4), the Minister shall make the information available to the public.”; and

(b) in clause 29, on page 26, by replacing line 2 with the following:

“with subsection 13(1), (2) or (3) is guilty of an offence.”.

The Hon. the Speaker: Is the house ready for the question?

Hon. Yves Morin: Honourable senators, I should like thank the honourable senator for her interest in this important bill and for outlining in great detail the notion of disclosure and the procedure under which adverse effects would be reported.

What I would tell the honourable senator is that, in fact, Bill C-8 actually ensures, in less detail, the reporting of adverse effects, but regulations are there to give details of these reports.

Clause 13 of the bill, for example, requires that companies disclose adverse effects immediately under other information of the same type. The exact details of the report and the time that these reports must be made will be covered by the regulations.

Clause 14 requires that the minister must consider these adverse effects as quickly as possible and must decide whether a further review of the pesticide must be initiated.

Finally, as far as public disclosure is concerned, these adverse effects and other information in relation to the review must be placed on the register. This register is available to the public at all times. As a matter of fact, if an adverse effect is found to be serious, the minister may and will make this information public immediately through a news release, for example.

Honourable senators, as far as the disclosure of adverse effects and of other information is concerned, and as far as involving the public in the decision, this legislation is at the forefront of legislation of the same type in other OECD countries. I strongly urge the support of this bill.

The Hon. the Speaker: Is the house ready for the question?

Hon. Senators: Question!

Senator Robichaud: On the amendment.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment of Senator LeBreton?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: All those in favour of the motion in amendment, please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion in amendment, please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the "nays" have it.

Hon. Lowell Murray: On division.

The Hon. the Speaker: The motion in amendment is lost, on division. The question is now on the main motion.

• (1510)

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

The Hon. the Speaker: On division.

Motion agreed to and bill read third time and passed, on division.

NUCLEAR SAFETY AND CONTROL ACT

BILL TO AMEND—SECOND READING

Hon. Yves Morin moved the second reading of Bill C-4, to amend the Nuclear Safety and Control Act.

He said: Honourable senators, Bill C-4 is a one-clause bill, the purpose of which is to clarify the wording of subsection 46(3) of the Nuclear Safety and Control Act. Subsection 46(3), as currently worded, has had the consequence of extending the potential obligation for site remediation, in the unlikely event that contamination occurs, beyond the owners and managers to private-sector lending institutions. This has, in turn, deterred private-sector financial houses from lending to the nuclear industry. This is an anomaly that must be corrected.

Under the current wording of subsection 46(3), the Canada Nuclear Safety Commission has the authority to order the owner, occupant or any other person with a right or an interest to take prescribed measures to reduce the level of radioactive contamination on a site. The proposed amendment clarifies the subsection by deleting the words "person with a right or interest in" and replacing them with the words "person who has the management and control of..."

Honourable senators, the amendment serves to clarify the risk for institutions lending to companies in the nuclear industry. However, a lender who goes into management and control of a nuclear facility would be liable for measures that would be required to deal with radioactive contamination of a particular site.

[Translation]

The change being considered will simply put the nuclear industry on an equal footing with other industrial sectors, particularly the energy sector. Actually, no other sector is saddled with a federal legal provision that restricts access to bank loans. The nuclear industry must have access to commercial credit to finance its needs like any other sector. Without this amendment, it will be incapable of raising funds to update and modernize plants, thereby extending their useful life.

The regulatory regime for the nuclear industry in Canada was designed to protect people from radiation from nuclear material or atomic energy.

[English]

All the stringent mechanisms embodied in the Nuclear Safety Control Act and regulations, which are designed to ensure that nuclear facilities are managed in a safe and environmentally sound manner, are still in place and unaffected by this provision. The Canadian Nuclear Safety Commission monitors and inspects licence activities, and the licensing process requires licensees to prove that their operations are safe. The commission continues to have the authority to act to suspend the licence for any activity when it determines that the activity carried on poses an unreasonable risk to the environment, health, safety and security of the public. These examples show that the commission mandate to prevent unreasonable risk to the environment will continue to be fulfilled.

The Canadian nuclear industry provides many benefits to our environment, to our health and to our economy. Nuclear energy supplies 13 per cent of Canada's electricity — electricity that is produced without the emission of carbon dioxide, sulphur dioxide or nitrous oxides, which are all major contributors to air pollution, smog and acid rain. Canada's CANDU power plants are safe, with multiple independent safety systems to shut down the plant and maintain it safely in case of any malfunction or external event. In Canada, governments are encouraging more private-sector participation in the ownership and management of facilities in all energy sectors. Companies with nuclear operations need access to the same financial instruments available to other companies.

[Translation]

Every year, nuclear medicine improves the lives of millions of people. Safe and painless radioisotope radiation procedures provide physicians with data that is essential for quick diagnosis and for treatments to fight disease.

Without nuclear technology, the latest procedures to treat cancer and conduct research on AIDS would be virtually impossible. According to estimates, there are between 15 and 20 million imaging and medical treatments done each year around the world.

Every day, some 45,000 anti-cancer treatments are provided using Canadian Cobalt 60 therapy units. Canada produces easily 60 per cent of the world's supply of Cobalt 60, which is used to sterilize a wide range of single-use medical supplies and products used by the general public on a daily basis. In fact, this radioisotope has numerous industrial and agricultural applications.

[English]

Canada has an essential role in the production and supply of molybdenum-99, a versatile and important radioisotope used in nuclear medicine worldwide. It is widely used to diagnose illnesses like cancer, heart disease and brain disorders without the need for surgery. Globally, an estimated 50,000 people a day benefit from diagnostic procedures that rely on medical isotopes such as molybdenum-99. Radioisotopes in nuclear medicine are also used to determine blood clots in the lungs and to diagnose heart disorders. Canadian-made medical isotopes are exported to more

than 60 countries. In North America alone, some 5,000 hospitals rely on Canada's supply of medical isotopes. Radioisotopes also have an important application in the field of molecular biology, including the design of effective new drugs. Additionally, nuclear science has had an important role to play as part of Canada's science and technology program.

Honourable senators, in conclusion, this bill will improve the functioning of the nuclear industry in our country. I strongly urge you to support Bill C-4.

Hon. David Tkachuk: Honourable senators, Bill C-4, as you have heard, is a fairly uncomplicated bill, introduced to cover an oversight in legislation passed in 1997. Bill C-4 amends the Nuclear Safety and Control Act by eliminating the liability of lending institutions for remedial measures, which nuclear companies and operations must take when radioactive contamination occurs.

It should be noted that there are some 3,500 operations in Canada, so we are not talking only about nuclear reactors, but also power plants, refineries, hundreds of laboratories and most hospitals. Bill C-4 was first introduced as Bill C-57 in May 2002. However, because the government obviously did not see this as a priority, Bill C-57 was not passed before prorogation. The bill was reintroduced in the House of Commons on October 3, 2002, as Bill C-4, and was passed in the House on December 10, 2002.

I understand the rationale for this bill, but I have concerns about both the government's plans for the management of nuclear waste and the parliamentary process itself. I always become a little suspicious when I am told, "It is just a simple one-line bill, really. Just an oversight. Just pass it, and everyone will be happy."

• (1520)

As section 46 of the Nuclear Safety and Control Act is written, liability for contamination at any site extends not just to owners, occupants and managers of that site, but also to lenders like banks and other financial organizations. This is what Bill C-4 seeks to rectify. It is the government's contention that extending liability for nuclear contamination to lenders creates an unknown liability that translates into financial obligations far exceeding the commercial interests of these lenders. As a consequence, the government contends that this aspect of Bill C-46 acts as an impediment for Canadian Nuclear Safety Commission licensed companies in securing capital and equity to finance ongoing and future operations.

I believe we should use this amending legislation for our own purposes. The Senate is traditionally the chamber of sober second thought for all government legislation, especially that which is first tabled in House of Commons. By amending the Nuclear and Safety Control Act, we have an opportunity to reinforce that the government must have a better long-term strategy as the use of nuclear power continues to proliferate. To date, the government still does not have an adequate solution to the long-term storage problems of nuclear waste.

While I support Bill C-4 and removing liability from lenders in principle, I would urge the Senate committee that will study this further to ask a number of questions. What are the government's plans for long-term storage of nuclear waste? When the original

legislation was drafted and passed in 1997, was it written with the knowledge that nuclear facilities would be privately owned? I understand that the legislation underwent tremendous scrutiny and widespread public consultation. Why was the question of liability not a problem when nuclear facilities were not privately owned? More than five years have passed since that legislation was passed, and if this was a technical error, why is it only being fixed now? Who are we protecting by removing this liability of financial institutions? What would the financial exposure be in the case of a problem, and to whom would it be related?

It seems that the government has contributed a great deal to this industry. One report I read indicated that the federal government alone gave over \$5.1 billion to nuclear generation through public subsidies. I think this legislation is a harbinger, and perhaps an appropriate Senate committee might consider doing a special study on the future of nuclear energy in Canada and examine privatization, government exposure and private funding.

I believe that nuclear energy is a good solution to Canada's energy requirements, but I know that there still remains in the public a concern for the overall safety and soundness of nuclear power. It is government's job, our job, to respond to those concerns. I do not know the answers to my questions, and I hope that the Senate committee to which this bill is referred will consider the overarching issues of nuclear power carefully.

Hon. Rose-Marie Losier-Cool (The Hon. the Acting Speaker): Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Acting Speaker: When shall this bill be read the third time?

On motion of Senator Morin, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

SPECIES AT RISK BILL

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Corbin, for the third reading of Bill C-5, respecting the protection of wildlife species at risk in Canada.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, yesterday I indicated some disenchantment at some of the sentiments expressed by Senator Watt. After reading carefully what Senator Carstairs said later on, I am somewhat reassured that this question of the non-derogation clause is on the way to being corrected and that we will have, hopefully in March, a debate regarding precise wording which could be applicable without amending legislation. That is what I take from reading Senator Carstairs' firm assurance.

My question is a rhetorical one, and it is: Once the wording has been confirmed and accepted, could it be made retroactive? I would hope that will be considered when the issue comes before us.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

CODE OF CONDUCT AND ETHICS GUIDELINES

MOTION TO REFER DOCUMENTS TO STANDING COMMITTEE ON RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Robichaud, P.C., seconded by the Honourable Senator Carstairs, P.C.:

That the documents entitled: "Proposals to amend the Parliament of Canada Act (Ethics Commissioner) and other Acts as a consequence" and "Proposals to amend the Rules of the Senate and the Standing Orders of the House of Commons to implement the 1997 Milliken-Oliver Report," tabled in the Senate on October 23, 2002, be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament,

And on the motion in amendment of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Losier-Cool, that the motion be amended by adding the following:

"That the Committee, in conjunction with this review, also take into consideration at the same time the code of conduct in use in the United Kingdom Parliament at Westminster, and consider rules that might embody standards appropriate for appointed members of a House of Parliament who can only be removed for cause; and

That the Committee make recommendations, if required, for the adoption and implementation of a code of conduct for Senators, and concerning such resources as may be needed to administer it, including consequential changes to statute law that may be appropriate."

Hon. Gerald J. Comeau: Honourable senators, the motion before us is to consider a number of issues that come under the general heading of an ethics package for parliamentarians. In order to clarify the issues for myself, I decided to summarize the main issues that were part of this package. I will list them as I saw them. The issues are: to define a code of conduct; the appointment of an ethics commissioner and to empower the ethics commissioner to investigate allegations of breaches of the code of conduct; the creation of an information registry to deposit the personal and financial information of parliamentarians and their families; and the appointment of an official to oversee the registry and the public disclosure of registry information. These are the main ingredients that were part of the package.

The next question that came to my mind was why were we doing this. I became interested in the matter before us because I wanted to know what the motion and the proposed bill were trying to accomplish. In other words, what was the problem? My first rule of problem-solving is that one should never proceed to a cure without diagnosing or poking around for the root and determining the extent of a problem. One needs to know what is wrong before proposing a solution.

We would expect that a new ethics package would be meant to deal with instances of abuse and conflict of interest that are not currently addressed by the existing controls. I read through the material provided with the motion, and I followed the arguments of the supporters of the proposals. My conclusion is that there are no examples of abuse by backbenchers and senators. It would seem that the problem is that there is a public perception that there is a problem. We are told that the public supposedly wants this package and that we are responding to a public request for a code of conduct and public disclosure for backbenchers and parliamentarians rather than fixing what is the real problem.

I would like to go through a few of the speeches. Senator Carstairs provided no instances of conflict or abuse by parliamentarians, nor did she point out any direct problems with the current rules that control these items.

Senator Oliver spoke on November 20. I listened to his speech. He was a strong supporter and partisan of a new ethics package. He said:

For years, I have felt a code of conduct for both Houses of Parliament would help to reassure the public that all parliamentarians are held to standards that place the public interest ahead of parliamentarians' private interests. It would also provide a transparent system by which the public may judge this to be the case.

In other words, the public would be the judge.

Like Senator Carstairs, however, Senator Oliver did not outline specific problems with the current rules and laws that address conflict of interest, nor was he helpful in providing examples of abuse. In fact, Senator Sparrow prefaced a direct question with reference to existing rules in which Senator Sparrow mentioned the Parliament Act, the *Rules of the Senate*, the Criminal Code and the Constitution. He said:

Perhaps Senator Oliver could tell me now what conduct of senators is not covered in those four parameters.

Senator Oliver responded by saying, "... the Sinclair Stevens case would be a good example."

The problem with this response is that Mr. Stevens was a minister of the Crown and not a backbencher or a senator. I will have more to say on the differences between parliamentarians and ministers later on.

Senator Sparrow pressed further and went on to ask:

Could the honourable senator give me an example of a situation that was not dealt with properly by the Senate?

Senator Oliver's response was: "I do not have such an example."

• (1530)

I went on to the subject of disclosure. In response to a question by Senator Kroft on the issue of disclosure, Senator Oliver stated, and I quote:

My chief source of information was the report of the Honourable Justice W.D. Parker who headed up the commission of inquiry into allegations of conflict of interest in the Sinclair Stevens case, wherein he referred to the Starr-Sharp report, the Aird report and many other major reports in Canada that have attempted to define, in a parliamentary way, what a conflict of interest is and how to overcome it. All of their conclusions were the same. In every case they said that to have a proper regime for public office holders...

Honourable senators, I will bold this next passage:

...for cabinet ministers — there must be a regime of disclosure.

Another strong supporter of the motion is Senator LaPierre, but he was equally unhelpful. I quote the honourable senator:

There is a crisis of confidence in parliamentary institutions among Canadians...

Therefore, the Canadian public does not want two codes of ethics; they want one code of ethics for the Parliament of Canada. We are responsible to them. It is not true that we live in this place completely devoid of politics. We belong to political parties. We belong to caucuses. It is not an exaggeration to say that we are ruled by party politics...

The public does not know who we are and has hardly any idea as to what it is that honourable senators do.

If Senator LaPierre is right, I fail to comprehend how a different ethics regime responds to the problem he identifies. Senator LaPierre refused to respond to questions on the subject. This was unhelpful.

We were provided with an October 8, 2002, Library of Parliament researcher's arguments in favour of public disclosure applicable to spouses. I quote:

Incidents involving Sinclair Stevens and his spouse in the 1980s come to mind as an example where the activities of the member's spouse were highly relevant to his conduct as a Member of Parliament.

This was equally unhelpful. If you recall, Sinclair Stevens was a minister of the Crown, and he is the only example being cited. He was not a lowly backbencher or senator, such as we are.

The parliamentary researcher referred to the Parliamentary Spouses Association presentation to the Oliver committee. Judith Manley, who incidentally happens to be the spouse of a cabinet minister, provided the testimony.

Ms. Manley noted that there was a wide divergence of views from those people she had conversations with and from the two lawyer members of her association. Even though the

Parliamentary Spouses Association did not take a position, frankly, I question whether the Parliamentary Spouses Association and a minister's spouse are mandated to provide political statements on behalf of our spouses. However, that is a different story. Be that as it may, Ms. Manley's testimony did not support the public disclosure of our spouses' private business.

Senator Oliver's committee sought the advice of Mr. Howard Wilson, the Prime Minister's hand-picked ethics counsellor. Although I do not wish to appear rude, Mr. Wilson's track record on this subject does not inspire great confidence in many members on this side of the house, nor, I am sure, on the other side, if they were to really consider it. I do not think he inspires great confidence in the public. Senator Lynch-Staunton had more to say on this subject, so I will not expand.

One of Mr. Wilson's observations is worth noting. Mr. Wilson suggested that the Clerk of the Senate be appointed the administrator of the register, which now leads me to the subject of appointees. I should like to quote Senator Oliver again on this, and this is a direct quote:

It seems that some of Senator Cools' suggestions concur with the eloquent suggestions made earlier by Senator Joyal, namely, that we have in this place already certain officers, such as the Clerk of the Senate, who could do the job that the code envisages.

I will be honest and frank about this matter. I have the highest regard for the present incumbent of the Clerk of the Senate's office. However, we have to separate the person from the position. The position is a Governor-in-Council appointment that serves at pleasure. We may not always be so fortunate to have an individual with the calibre and the integrity of the present office holder.

The idea of providing all my personal information, and the personal information of my spouse and dependents, to a cabinet appointee causes me concern. We may well be collegial and respectful; however, as Senator LaPierre pointed out in this chamber, this chamber is ruled by politics.

Senators on both sides should carefully reflect on the implications of compelling parliamentarians and their spouses to provide personal information to cabinet appointees. Senators on the government side should understand that they may someday find themselves on the opposition side of the house and be compelled to provide information to officials appointed by that party, the party opposed. As the saying goes, where you stand depends on where you sit.

On the subject of files of private information, what worries me somewhat is the security of the files. This can be tricky. Computers nowadays are interconnected. It is easy for a computer clerk to push the wrong button. This type of human error has happened to me in the Senate, not once, not twice, but three times surrounding the matter of telephones and e-mails. This is not to suggest that the lapses were ill-intentioned. All kinds of excuses were provided at the time; they did, however, amount to human error. "Oops!" It happens.

If we do proceed, be aware that the secure registry containing private, personal information on honourable senators' families may be costly; and, as noted earlier, no system is free of human errors.

We are also familiar with the notoriously bad estimation program spending and lack of accountability that has appeared in the last number of weeks. The firearms registry, which was supposed to cost \$2 million after fees, is now nearing the \$1-billion mark and counting.

On the question of appointments of an ethics counsellor and a private files registrar, we are left with the question of who appoints these people. Mr. Wilson's track record does not inspire great confidence that it should be the Prime Minister of Canada.

The Governor-in-Council appointment process is also problematic. Senators should be cautious of the executive branch of government managing the private files and the investigation of senators. It would be a major departure of separation of Parliament and the executive branch.

Most will also recall the abuse of power of former Justice Minister Allan Rock when he used his considerable powers of the state in our federal police force in a personal vendetta against a former prime minister. Thankfully, former Prime Minister Mulroney did not blink. The taxpayer ultimately paid the price for the Justice Minister's shameless abuse of power. However, I wonder if most of us would have had the courage and determination to withstand such abuse of the state's power by Canada's highest justice official of the land?

This abuse is in addition to the Lester P. Pearson Airport bill, where Minister Rock tried to remove the rights of citizens to their day in court, added to which are other transgressions. Minister Rock has yet to be held accountable for these abuses of power. He got away with these abuses of power while we in this chamber debate a code of conduct for parliamentarians who have no executive power and no insider information. Depending on the outcome of this ethics package, I wonder whether I should dare make statements such as those I am making today.

The Senate itself could appoint the office holder. The problem with this, however, is that the Liberals have an overwhelming majority and they might be tempted to appoint one of their own. The idea of a Liberal appointee mandated to keep the register of my private files and empowered to investigate me, and my spouse, is not very appealing. The litmus test here for members on the government side is that you may not always be on this side of the majority.

• (1540)

The question then is how to appoint a truly independent administrator whom both sides of this house can trust. This may turn out to be quite a challenge. It may be quite some time before we see the white puffs of smoke coming out of the parliamentary chimneys.

Turning to the question of private information, the new law will need to somehow compel senators, their spouses and dependents to disclose private financial information to the registry

commissar. Obviously, the rules will need to have teeth to enforce compliance. The drafters must come up with some penalty provisions to compel reluctant spouses, common law and other live-in partners to disclose this information. What penalties are envisaged? Should such penalties be set out in the Criminal Code? What happens if parliamentarians are in a conjugal relationship that they do not wish to divulge? How do we drag the information out of these people? Will the state start snooping around the bedrooms of parliamentarians, to coin a phrase from a former prime minister?

We are told that the ethics commissioner must be independent, objective, non-partisan, and he or she must be the epitome of integrity. Like the Privacy Commissioner, it may be a challenge to find an appointment process that would be satisfactory to all sides.

Somehow, I do not feel reassured by a process whereby the prime minister of the day would appoint these people even though he or she may wish to consult with the leaders of the parties of the House of Commons. We are all familiar with consultations that turn out to be a token phone call consisting of, "Thank you, I have decided to make the appointment. I hope you like it. You can like it or lump it."

On the subject of the mandate for the investigations process, we should reflect on how allegations are to be investigated and adjudicated. What kind of qualifications and training will be required of the investigators? Should they have police training? What kind of powers will they be given?

The Hon. the Speaker: Senator Comeau, I regret to advise you that your 15 minutes have expired.

Senator Comeau: Honourable senators, I would seek leave to continue.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I am happy to give consent for Senator Comeau to finish his comments, but only up to a maximum of five minutes.

[English]

Senator Comeau: The proposal suggests that the ethics commissioner should be empowered to send for persons, papers and records.

What about search and seizure, powers of arrest or wire-tapping? How would the adjudication process work? Is there an appeal process? Will those charges be accorded legal counsel? Will the legal process be public? Will the ethics commissioner be given access to private files on the senator that are held by the registrar? Where do these files finally end up after adjudication?

[Senator Comeau]

Honourable senators, we must face certain realities. Unlike ministers and bureaucrats, senators and back benchers are not privy to insider information. We do not have executive power. We do not have the power to appoint and reward our friends. We do not oversee federal police forces. Our every word and speech on subjects before Parliament are written down on the public record in both official languages ready to be examined under the microscope. Senators and back benchers are under considerable and constant scrutiny by media, constituents and opposition politicians.

We routinely flagellate one another and ourselves as we debate party policy positions. While we are debating the merits of this package, we ignore the real power bases where the potential for abuse is very possible.

Compare our power with that of senior and powerful bureaucrats who carry on their jobs in obscurity. Have any honourable senators looked at the number of bureaucrats who routinely move back and forth between senior government positions and large corporations? These are the same corporations they dealt with in their government careers. Compare our powers with those of ministers. Compare our powers and insider information with ministers' staff. It may then start to become apparent who ought to be checked.

If there are any problems, look at the real source of power. When was the last time an honourable senator had a visit from a high-priced lobbyist? Follow the trail of the lobbyist and you will find the source of power. I do not even rate a Christmas card from most of those people.

This package is a red herring. It is designed to deflect attention from the mounting incidences of abuse by cabinet ministers who face a divided opposition in the House of Commons. Let us fix real problems.

Senator Joyal proposed a prudent course of action. He said that, if we try to consolidate all the books, including the *Rules of the Senate*, and all of the statutes, most of our questions might already be answered. However, we must do that in committee. As he said, we should review the various cases that have occurred in the past 100 years or so and draw lessons from the past. I could not agree more.

Hon. Herbert O. Sparrow: Honourable senators, I wish to adjourn the debate. However, before doing so, I should like to leave open the opportunity for anyone to ask questions. I might also ask a question before I adjourn the debate.

The honourable senator referred to the power of the ministers and the former Justice Minister, Mr. Rock. He also referred to the Pearson airport "fiasco," though I am not sure the honourable senator used that particular word, but he referred to those incidents. Against the wishes of the Minister of Justice, justice did prevail because of the actions of the Senate. I wanted to put that on the record. That was what happened. Is that what the honourable senator was referring to in his speech?

Senator Comeau: Indeed, honourable senators. I was referring to the Pearson airport deal where the Senate did an in-depth

investigation and determined that there was no cause for the Minister of Justice to deny people their day in court, which is what the bill was proposing.

I was trying to recall whether we had killed the bill. I do not think we did. I believe it was delayed. I am being told that it was killed. The Senate did its job absolutely. Our role is to stop abuses of power.

The Hon. the Speaker: Senator Comeau, I regret to advise you that the additional time granted to you has expired.

Hon. Anne C. Cools: I wanted to ask a question, too. Is it possible to ask a question of the Honourable Senator Comeau?

Senator Robichaud: No.

Senator Sparrow: I would move the adjournment of the debate in my name.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: Honourable senators opposed to the motion to adjourn will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: I will ask it again. I believe that honourable senators are opposing their own motion.

The motion before us — and it is not debatable, which is why I am not recognizing any senators — is to adjourn the debate. Senator Sparrow moved a motion to adjourn the debate and Senator Cools seconded that motion. We are on the ethics package motion.

For certainty, I will ask the question in a formal way. Those honourable senators in favour of the motion to adjourn the debate will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those honourable senators opposed to the motion will please say "nay."

Senator Cools: Nay.

The Hon. the Speaker: The motion is passed.

On motion of Senator Sparrow, debate adjourned.

• (1550)

KYOTO PROTOCOL ON CLIMATE CHANGE

MOTION TO RATIFY—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Banks:

That the Senate call on the government to ratify the Kyoto Protocol on Climate Change,

And on the motion in amendment of the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator Murray, P.C., that the motion be amended by substituting for the period after the word "Change" the following:

" , but only if, after the Senate has heard in Committee of the Whole from all federal, provincial and territorial government representatives who wish to appear, the Senate determines that there is a substantial measure of federal-provincial agreement on an implementation plan."

Hon. John Buchanan: Honourable senators, I find it necessary to say a few words on the Kyoto Protocol. There is no doubt, in the mind of anyone in this chamber, that this resolution will pass. I know it, other senators on this side of the chamber know it, and senators opposite know it. However, it is important for the record that we say a few things about the ratification of the Kyoto Protocol.

My comments will deal with economics, employment and federal-provincial relationships in this country. I will not get into a discussion on the science of climate change. We all know there are scientists on both sides of the issue. Some say that there are more on one side than the other. I do not know. We have all heard the arguments, but we may not have heard as many arguments by climatologists who say that the problem is not as described by the environmentalists who claim climate change is due to CO₂ emissions.

Without getting into the debate on the science of this issue, I wish to cite a very prominent man in Dartmouth, Dr. M.R. Morgan, B.Sc., Ph.D., fellow of the Royal Meteorological Society. He said that, as a professional climatologist with training in chemistry, complying with the Kyoto accord at this time was illogical. He said that it could be costly and ineffective. He tells us that it is not CO₂ and its questionable effects on climate which should be our primary objective, but the elimination of emissions which are health hazards. He also said that it was not logical, at this time, to be implementing Kyoto, particularly the global warming hypotheses, a subject which he has studied in some detail over the last decade. He finds the probability of a cooling cycle more likely than climate change from emissions.

That is all I will say about the science. We could discuss the science for a long time and get absolutely nowhere.

What is of great concern, as it should be, to legislators and people who have followed our Constitution, is the process we are now going through. In September of this year, the Prime Minister suddenly said, "I am going to ratify Kyoto by the end of this year." Why were implementation plans not discussed over the last number of years with the provinces? I do not know the answer to that other than that the Prime Minister decided he wanted to get it out of the way.

The Prime Minister and the federal government are telling us to trust them and there will be no difficulty. The federal government says that the cost of implementing Kyoto will not be great. The federal government and the Prime Minister are saying that some jobs may be lost, but that the net impact will be more jobs.

Who do we trust? Do we trust the people who say there could be a loss of over 400,000 jobs or the government that says there may be a couple of million jobs created?

Let us talk about trust of the government. In this very chamber we talked about the gun control bill.

Senator Milne: Carbon dioxide is a smoking gun.

Senator Buchanan: I am not saying it is not. As I said, I will not get into a discussion on the science of this. I will discuss the constitutionality of this and the economy, which I think is pretty important.

The federal government said, "Trust us. The gun control bill will cost a net of \$2 million." Now we find that it will cost in excess of \$1 billion.

Senator LaPierre: It is worth it.

Senator Buchanan: It is worth it? I see. With great respect, I learned long ago not to be distracted by rabbit tracks when I am after big game, and I am after the big game of the federal government.

Senator Graham: That is a Diefenbaker line.

Senator Buchanan: I have quoted John Diefenbaker many times, as Senator Graham knows.

The government says that we should not worry, that this will not cost much at all. Well, the gun control bill certainly cost a lot of money.

What happens with the provinces with regard to the Kyoto Protocol? We worked very hard in Nova Scotia and Newfoundland over the last two decades to ensure that we would have something in the future from oil and gas exploration, development and production. Our work has come to fruition in the last years. There is oil in the offshore of Newfoundland and Nova Scotia and natural gas in the offshore of Nova Scotia. It is being transported by pipelines and tankers and we are starting to see the benefits of it. However, as Senator Rompkey knows, we were supposed to get 100 per cent of all the benefits from gas and oil in our provinces. That has not happened, but we hope that, in the near future, it may. We will get a better deal on equalization, thanks to people like Senator Murray and others who issued a pretty good report on that subject.

Senator Rompkey and others know about what I am talking about. We are finally seeing some light at the end of the tunnel in our two small provinces.

Newfoundland and Nova Scotia senators should be very concerned about the Kyoto accord.

Let us consider the situation from the perspective of the provinces. Honourable senators hear the federal government saying that they have a moral obligation to proceed on this. That may be, but what about the economy, the jobs, and our provinces? Federal reports have indicated clearly that the economy of our provinces — energy-producing provinces, we are glad to be able to say — could now be in danger.

The provinces have not been involved in this process. Federal and provincial ministers have talked, but the premiers have not. There are former members of the House of Commons and former members of provincial legislatures here. I ask them whether they can recall any matters affecting federal and provincial jurisdiction over the last two decades that have not been solved by federal-provincial conferences.

The only such matter that I can recall occurred from 1978 to 1981. That was when former Prime Minister Trudeau decided that the provinces were irrelevant. He said that it was like going to a town hall meeting with the provincial premiers and he simply wanted to get the matter over with. He said that the federal government did not need the consent of the provinces to change the Constitution. He found out that that was wrong. He found that out because eight provinces took the federal government to the Supreme Court of Canada, which said that the provinces do have a position in the matter. The federal government cannot change the Constitution or interfere in federal-provincial jurisdictions without the consensus of the provinces.

• (1600)

In 1982, the Constitution Act came into being, with the consensus of the provinces.

With regard to free trade, some said, at the time, that it was irrelevant to bother with the provinces on that issue. They said the provinces were not needed. However, they were needed. Many a meeting was held here in the Conference Centre and the Langevin Block to ensure that the provinces were involved in the discussions and in the final Free Trade Agreement, because part of that Free Trade Agreement was provincial in nature.

The Meech Lake Accord was another instance. If you look at any matter affecting federal-provincial relationships, the provinces were involved. Back in September, or earlier, the Prime Minister said, "Oh, yes, we will involve the provincial premiers in any discussions on Kyoto. I will call federal-provincial conferences." He did not. There has not been a federal-provincial first minister's conference on the Kyoto accord.

Let us hear what some people are saying. I referred to offshore Nova Scotia and offshore Newfoundland. We are in the embryonic stage of helping our provinces. During a sometimes feisty news conference in Halifax, EnCana CEO, Gwyn Morgan, said that the proposed Deep Panuke project off Nova Scotia — that is the second big project — cannot stand any higher cost structures.

The agreement is intended to curb heat-trapping pollution some scientists say is causing an increase in average temperature. Preliminary federal studies suggest Canada's major energy-producing provinces — Alberta, Nova Scotia and Newfoundland — would suffer significant economic damage under the terms of the accord. Mr. Morgan said that, if Ottawa ratifies the treaty before the end of the year, oil and natural gas projects could be threatened.

I am not the only one saying this. The CEO of EnCana says that our projects offshore Newfoundland and Nova Scotia could be threatened if ratification goes ahead.

Take a look at what people like Premier John Hamm, the Minister of Energy of Nova Scotia, Gordon Balser, the Premier of Newfoundland, and certainly the Premier of Alberta are saying. This could have a dampening effect on further exploration and on production offshore in Nova Scotia and Newfoundland.

It is a backward step for development in these two provinces and a backward step for New Brunswick also. New Brunswick is now reaping the benefits of the natural gas from offshore Nova Scotia. There are more customers in New Brunswick for our natural gas than in Nova Scotia. The next big project off Nova Scotia, the Deep Panuke, will mean more natural gas for New Brunswick, and probably for the electrical generating stations in New Brunswick.

Why would you vote for a resolution on Kyoto when you know darn well that it could dampen offshore exploration and production off Nova Scotia and, therefore, hurt the people of New Brunswick, as well as Nova Scotia and Newfoundland?

Senator Cordy knows what I am talking about. So does Senator Phalen. That is why they will vote against this resolution, because, as good Cape Bretoners, they will not allow Cape Breton to suffer.

The Hon. the Speaker: Senator Buchanan, I am sorry to interrupt, but I must advise that your time has expired.

Senator Buchanan: May I have another two minutes?

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, in keeping with the spirit of the holiday season, we could certainly give the Honourable Senator Buchanan five minutes to finish his remarks.

[English]

Senator Buchanan: Senator Carstairs knows what I am talking about. I know this: If her dear father were alive today, he would be saying, "Go to it, John. Help Nova Scotia, Newfoundland, New Brunswick and Prince Edward Island."

What about the Laurentian Trench off Cape Breton? What about Sydport? We built the roads from Highway 125 to Sydport to ensure that Sydport would become the base for oil and gas exploration in Cape Breton. What will happen now? What will happen now with the Kyoto accord dampening any further exploration? Glace Bay will suffer.

The late Hugh MacLennan corrected me once when I was presenting him with a literary award for Nova Scotia. My middle name is MacLennan. Like my mother, he was born in Glace Bay. After I gave the award, Hugh MacLennan got up and, in that wonderful voice of his, said, "I want to correct the premier. I will accept the award, but he is very wrong about our relationship." I thought, "Oh, my gosh. What was I wrong about?" He said, "Anybody who would say it was 'Glace Bay' can't be a MacLennan from Glace Bay because it is really called 'Glace Bay.'" That is the historic pronunciation of it.

It is important that we listen, not to the science of Kyoto but to the ramifications for the economy.

Officials of the Nova Scotia energy department, who are smart people — I should know; I appointed most of them — warned that consumers in the province will likely face higher electricity bills if the Kyoto Protocol is ratified.

Allan Parker, the province's manager of energy utilization, told the committee that higher power rates could have a ripple effect, driving some larger users like pulp and paper companies out of the province and out of Cape Breton.

Newfoundland expresses concerns about the uncertainty. There are too many uncertainties and unknowns associated with the draft federal plan on climate change in this province to support the ratification of the Kyoto Protocol, at this time.

Are all these people wrong?

Is the Canadian Manufacturers Association wrong? The uncertainty, the lack of detail, the absence of true consensus regarding the federal government's climate change proposal clearly do not yet provide the basis for a well-informed decision on ratification.

• (1610)

The Canadian Manufacturers Association and the Energy Council of Canada stated that, in their view, Canada will not be able to meet, on time, the initial target that is accepted, in principle, in Kyoto absent an economic collapse similar to those experienced in Eastern Europe following the demise of Soviet Communism.

The Energy Council of Canada said that Canada needs a strategy that recognizes that our most important trading partner, the United States, has expressly abandoned the targets initially agreed, in principle, in Kyoto. This has enormous implications for Canada's competitiveness and economic stability, the potential for emission trading, not to mention the prognosis for climate change. Canada is the only signatory in the Western Hemisphere.

Does it make any sense?

You can say "aye, hey." What about the jobs? Where do we go from here?

Given the changing global reality, we need to articulate a uniquely Canadian strategy that reflects our international commitments, addresses our economic and social priorities and draws on our collective strengths and successes.

Here is another organization, the Canadian Chamber of Commerce:

The Hon. the Speaker: Senator Buchanan, your additional time has expired.

Hon. Senators: Hear, hear!

Senator Buchanan: I want everyone here to know I am voting against this resolution.

I am voting for the amendment to get the premiers in Canada involved.

Hon. Tommy Banks: Honourable senators, it is difficult to follow Senator Buchanan on any subject. I have the great pleasure in being able to assuage Senator Buchanan's fears in the respects that he has just enumerated to us because there is only one matter in which I have more experience than the honourable senator, and that is being a resident of a province in which the energy production that derives from petroleum has been an important part of the economy since 1905. If I were to invoke the style of the famous scene in *Casablanca*, I would say, I am shocked to hear that the president of an oil company would suggest that he would take his ball and go home. It will not happen, honourable senators. I promise you.

The first time I got a handle on that was when my cousin Don Hanson from Oklahoma who is in the oil and gas business was visiting in the 1970s. He explained that his gas company at that time was embarked on a project in which they were trying to convince their customers to use less of their product. I had never heard of such a thing previously. He said, the problem is this: I have this great undersupply and a huge overdemand. There are three places from which I can meet commitments that I have to my customers. One, I can drill new wells, which is expensive and dangerous and risky. Second, I can build a new pipeline and import gas. That is not a good idea because it is too expensive and there is no security of supply. Third, I can go to my customers and find efficiencies in their use of energy, which they would never find or look for. He did that. He said I will do that because that is the least expensive way for me to meet my objective. It will look better on my bottom line. The result was that his company made double the money it would have otherwise, and his customers all saved a great amount of money. It was an unconventional view of how to do things.

Honourable senators, unconventional wisdom is not always right, but it often is. Conventional wisdom, on the other hand, is definitely not always right. When faced with innovation, conventional wisdom is almost always wrong. Ask Galileo and Columbus and ask ourselves. We remember when the idea that cigarette smoking actually caused cancer was regarded as preposterous. Conventional wisdom was wrong.

The world does change. The world is changing. The environment is changing. Our habits must change. Our willingness to contemplate change must change. We have to make, honourable senators, a leap of faith.

Most of the arguments we have been hearing from all sides about the Kyoto accord have, in my view, been exactly the wrong arguments, with respect. They have been all about numbers. I do not believe any of them. I do not believe anyone who says that the implementation that must follow the ratification of Kyoto will not cost any money. I do not believe that. I do not believe anyone who says that when we do this, it will be the end of life as we know it. They are both arguments of insupportable nonsense.

We should start at the beginning of the question about Kyoto.

Is there with respect to climate change and CO2 emissions, anything to be concerned about? If the answer to that question is no, we should stop talking about this and get on with something that is important. However, no one believes that the answer to that question is no.

The next question is this: If there is something to be concerned about, is it urgent? Is there an emergency about it? The answer is there may be, as Senator Buchanan has pointed out. Most people think there is a certain urgency. Some are less certain. Some doubt it.

Given what we know for certain, doubting a degree of urgency is like a patient who has been told that he has high blood pressure and high cholesterol. There are two possible reactions: One, the patient can say, "Well, I think I will cut back on my smoking starting now, and maybe I will start doing a little exercise." That would be a prudent reaction. The other is well, if I am at 190 over 95 now, exactly what is the safe level? Would I be okay at 175 over 90? If I do not get to that level, when will I have my heart attack? How serious will that heart attack be? More important, who will pay for it? How much will it cost? I will not do anything by way of a commitment until I have the exact, detailed answers to those questions.

There are some people who are saying, in respect of us being the patient, that unless the doctor can state with absolute certainty that the heart attack will occur within the next two weeks, then we ought not to do anything. We can keep on smoking and put off exercising for a few more months. No one takes them seriously any more. Not even those vehement opponents of action such as is contemplated in Kyoto. Even those opponents argue there is some concern, and we have to do something.

What we have to do, honourable senators, is the right thing. If we fail to do the right thing, then we will do the wrong thing. We will be part of the problem, and not part of the solution. We often do the right thing in this country in the end. Often that right thing requires a leap of faith. We have taken great leaps of faith in this country.

Think of the passionate debates that took place in this Parliament when our first Prime Minister proposed that we should have a national railway that would span the country. We can look at the debates by the well-intentioned parliamentarians who questioned its value, and the good people who wondered whether we as a nation could afford to pay the price for the railway. History proved that the overarching imperative was more important than any other consideration, and it paid off.

We have heard that we are being asked to make this leap of faith too quickly; without notice, without sufficient consideration or deliberation.

Let me tell you how much of a hurry it is and how short the notice is by referring honourable senators to the 1993 report of the Standing Senate Committee on Energy, the Environment and Natural Resources, of which the Honourable Senator Hays was at the time the chair. The report was called the Energy Emissions Crisis, A Viable Alternative. One of its main recommendations was that the federal government, in conjunction with energy stakeholders, undertake and make public a detailed analysis of the feasibility of emission trading for CO2 and other greenhouse gases.

We have been at this for a while.

I will be happy to send Senator Buchanan the dates and times of nine meetings of the joint ministers from the provinces on this subject, dating back to the 1990s, who were designated by the premiers to do exactly that. We have been at this longer than the line of consultations to which honourable senators referred here yesterday. We are right, in Canada, about this question. We have many of the answers, as is so often the case.

• (1620)

In that respect, I commend the attention of honourable senators to a best-selling book by Satya Das, called *The Best Country*, which he refers to Canada. In his book, this distinguished Albertan makes the point that we have much to show the rest of the world, that it is time we started doing so, and that we should lead and stop hiding our collective light under a bushel. We have, he points out, not merely the opportunity but the duty to show the way when we are right. In this, honourable senators, Canada is right.

In Canada, we often achieve success in things that some conventional wisdom says are impossibly difficult. Take acid rain as an example. The short-sighted considerations of cost and everyone going away and losing businesses could not trump what was right, and we won. We won at a fraction of even the most optimistic cost predictions. Take the FTA and NAFTA as examples. I remember hearing about unprecedented economic chaos that was going to follow NAFTA, and it did not. The results speak for themselves.

Do honourable senators remember when we decided to take the lead out of gasoline? We were going to lose billions in capital and the evaporation of thousands of jobs. That did not happen. Gasoline is still being sold the last time I looked, and I hope that it is at a big profit.

When we decided to remove sulphur from gas, the gas companies all said: "That's it. We are capping the wells and going home. You have seen the last of our exploration and you will never see that level of investment again. Say goodbye to all those jobs." Honourable senators, they are still here, still pumping gas out of the ground and still making money. Some of them are now making more money selling sulphur than they are selling gas. By the way, as a not incidental result of that, we do not have a bunch of sulphur dioxide floating around in the air polluting our lakes and our rivers.

When it comes right down to it, and it has come down to it quite a few times in this country, we have always made the right choice in the end. It is exactly that inspiring character of Canada that has made us admired and envied the world round.

We have accomplished this with international agreements, too. When the danger was that CFCs would deplete the ozone layer, we signed the Montreal Protocol. To combat acid rain, we signed the Canada-U.S. Air Quality Agreement. We are still here and we are still doing pretty well — better than anyone else at the moment. Both of those agreements were projected to result in massive outflows of investment capital, large and unmanageable costs to business and consumers, and huge job losses. Both of them met their targets ahead of time and at substantially lower costs than anyone had dared to predict.

Let us look at the Kyoto accord. Kyoto's purpose is not to reverse climate change. It is not to fix the problem. It is not to be the solution. No one ever said that it was. Its opponents have set those things up as straw men to knock down. "It will not solve the problem," they say. No one ever said it would. "It will not, by itself, seriously reduce global emissions." No one ever said that it would. Those are not the goals of Kyoto. Kyoto is, to paraphrase the great man, not the beginning of the end, but it is perhaps the end of the beginning. It is a beginning. It is a tiny baby step in the process of changing our collective minds — not just our Canadian collective minds but also the world's collective minds — about how we make energy and how we use energy.

We can change our minds. Fifteen years ago — that is all it was — people sat smoking cigarettes on their hospital beds. It was not all that long before that time that women were not allowed to vote and they certainly were not allowed in this room. Those were conventional wisdoms. We now look back at those event and say, "Can you believe we actually used to do that?" We have to change our minds and we can change the way we think. We must change the way we think.

I have to think a little more carefully about what I burn in my car. In fact, maybe I have to get a different car, and there are some things that I should do to my house and things that we should all consider. Let us begin that process because Kyoto does not say a single word about how to do this — about implementation, about application or methodology. Kyoto sets out a target and a date.

When Japan figures out how to achieve their targets and their date, they will have a made-in-Japan solution. The same is true for Germany and Britain. What Germany and Britain do about it will be a made-in-Germany plan and a made-in-Britain plan. When we find out how we will achieve those ends, we will have a made-in-Canada plan.

Some Hon. Senators: Hear, hear!

Senator Banks: Honourable senators, we already have a good start to that plan because the provinces have been talking with the federal government about it since the 1990s. Senator Kinsella reminded us that in Halifax the provinces and territories submitted a list of 12 principles for a national plan. The Government of Canada has now agreed to 9 of those 12 points. I have been negotiating contracts for 50 years. When the result of

negotiation is a 9-out-of-12-point agreement, that is a substantial agreement, and I refer to the amendment presently before us.

I want to talk specifics with honourable senators because the question was raised about the outstanding points, which are numbers 2, 3, and 7. I will read them because the authorship belongs to the provinces and the territories. The federal government has agreed to points 1, 3, 4, 5, 8, 9, 10, 11 and 12.

Point 2 contains three sentences. The first sentence reads:

The plan must ensure that no region or jurisdiction shall be asked to bear an unreasonable share of the burden and no industry, sector or region shall be treated unfairly.

The Government of Canada agrees with that statement. The second sentence reads:

The costs and impacts on individuals, businesses and industries must be clear, reasonable, achievable, and economically sustainable.

The Government of Canada agrees with that statement. The third sentence of the second point reads:

The plan must incorporate appropriate federally funded mitigation of the adverse impacts of climate change initiatives.

The federal government thinks that is a question that should be discussed because it essentially says, "You guys pay; we do not pay."

Hon. Elizabeth Hubley (The Hon. the Acting Speaker): I am sorry to interrupt, Senator Banks, but I must advise that your time for speaking has expired.

Senator Banks: I would request a further five minutes.

The Hon. the Acting Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Banks: Honourable senators, I will read points 6 and 7. Point 6 states:

The plan must ensure that no Province or Territory bears the financial risk of federal climate change commitments.

Again, the inference is, "You guys pay; we do not."

Point 7 states:

The plan must recognize the benefits from assets such as forest and agricultural sinks must accrue to the Province and Territory which owns the assets.

"You pay, spread the risk around, we keep the benefits," is the view of the provinces and territories. In fact, Premier Eves of Ontario believes — and he is right in this, I think — that there is really only one issue, and it is money. To quote Mr. Eves from a CBC television interview on that subject, he said:

The one stickler is that the federal government should be responsible for or assume the economic burden of any cost....

That, I suppose, sums up the Government of Ontario's view of cooperative federalism.

We hear that the decision of the United States not to ratify — although they are signatories to Kyoto — will bring the sky down on us. Many states in the United States and many businesses there have a different view. The State of Oregon introduced landmark legislation in 1997, and their Power Plant Offset Program will save 844,000 tonnes of CO₂. New York City's clean-fuelled bus program solves the problem of nearly 5 million gallons of diesel fuel a year, and over 19,000 tonnes of CO₂ a year.

The New England States and the Eastern Canadian premiers, as we have seen, have already signed an agreement in August 2001, in which they say they will jointly reduce their regional greenhouse gas emissions to 10 per cent below 1990 levels by 2010. The Dupont Corporation has reduced GHG emissions by 63 per cent. That corporation's output has gone up by 35 per cent since 1990, but their energy use is still at 1990 levels. IBM reduced its energy use by 6.92 per cent, which saved 220,000 tonnes of CO₂ and saved the company over \$22.5 million in energy bills. The same is true for British Petroleum and Eastman Kodak.

I am very proud about a large Alberta power company called TransAlta Utilities. They have already reduced their GHG emissions to 1990 levels, and they plan, by 2024, to reduce their GHG emissions from their Canadian operations to zero, and they will do that. Businesses can do that. Businesses will do that. Businesses will make a buck. However, the Government of Canada must bear a responsibility to ensure that there are incentives to reward innovation, new thinking and new technologies.

• (1630)

In implementing our Canadian plan to achieve Canadian goals, we must ensure, as the government has already agreed, that no province, industrial sector or part of the country will bear an unfair portion of whatever costs are involved. We must ensure that those enterprises that have already achieved significant reductions in their emissions are credited with their demonstrable contributions on the right side of the ledger. We cannot say to them, "As of today, we will start talking about you doing good things." Good, far-sighted responsible management must not be punished.

I have faith, honourable senators, that we will do the right thing, that individual Canadians will do the right thing, that Canadian businesses and industry will do the right thing and that, as they have before in these urgently important matters that relate to our ecology, the Government of Canada will do the right thing. I have faith in Canadian innovation, in Canadian resilience, and in our ability to show the way to the world. We cannot escape that responsibility. We must not allow ourselves to lose this opportunity. We must now urge that the government ratify Kyoto and that we get on with it.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I proposed the amendment. I have not spoken to it, so I will take a few minutes to do so and to share

with honourable senators some correspondence received from offices of premiers.

Before I do that, I was interested in Senator Banks' statements reminding us of the scare mongering that went on prior to the signing of the acid rain treaty and during the discussions on the FTA the NAFTA, and all the disasters that would ensue to this country after the signing of that agreement. I would remind the honourable senator that most of that scare mongering, if not all, emanated from his party. I assume that, by bringing it to our attention, it is a form of apology, and that is the way I take it.

Senator Carstairs: That is pushing it.

Senator Lynch-Staunton: I would also remind the honourable senator that he forgot to tell us that the threat was that the FTA would bring an end to Medicare. Somehow, that did not happen either.

Having raised that matter in jest, I raise my next point seriously: No one, so far, has challenged the purpose of Kyoto, the principle of Kyoto and the intent of Kyoto. No one, as far as I know, has indulged in that kind of scare mongering. Of course, there are anxieties about lost jobs and plants not being able to conform, et cetera. Those are natural. However, those points are not our arguments, honourable senators. Certainly, those arguments do not belong with this amendment.

If we are all in agreement that we must have a common climate action plan, it can only be done with the support of as many provinces as we can find; not unanimity, that is practically impossible, but certainly substantial agreement.

Senator Spivak is not here. Her commitment to Kyoto is as strong as that of anyone that I know. However, on December 10, at page 639 of the *Debates of the Senate*, she made the following statement:

I sincerely wish that we had more provincial support for ratification. In recent months, it has weakened.

Senator Spivak is quite right in that regard. She went on to list those provinces and territories that are on side, those that are not, and those, like Alberta, that are threatening court action.

If I may — and this is what I want to correct — she said:

With the greatest respect, to say we should not ratify the protocol until all provinces agree is tantamount to saying that we will, perhaps, never ratify it.

The amendment does not speak of unanimity; it speaks of substantial agreement.

Senator Buchanan: Consensus.

Senator Lynch-Staunton: Consensus, that is right.

We had unanimity for the acid rain treaty. When Prime Minister Mulroney and President Reagan signed it, Mr. Mulroney was able to say with pride that every territory and province was on side. As Senator Murray reminded us, when NAFTA was signed, the FTA was signed, there were two provinces, Ontario being the most prominent one, that were offside; however, in time they came around. They amended legislation.

There was unanimity in one case and substantial agreement in the other. However, here there is no agreement certainly no substantial agreement. Yes, there have been consultations and meetings, and there will continue to be meetings. However, there is no promise of substantial agreement after ratification. If you do not have that after ratification, then it is meaningless. Ratification is a formal commitment to the international community that Canada will be responsible for implementing the terms of the treaty that it has ratified. Yet, to ratify prior to the end of this year, Canada will be unable to say, "Now, everything is in place. We will meet the commitment for 2010." We cannot say that now.

There is no need for the Government of Canada to ratify before the end of the year. It is just to honour a commitment made by the Prime Minister in a moment of overenthusiasm in Johannesburg in September. It is only when he got home that he realized that a lot of his caucus and members of his cabinet, two from Alberta and others, were not on side. He realized that the premiers and territories had these 12 principles, which are still under discussion, and a number of provinces are still very anxious about the impact of the treaty on their jurisdictions.

We are just being too hasty. We are being asked to satisfy a commitment of one individual. Surely, that individual could now realize after debate here and elsewhere in the country, particularly on the part of his partners, to make this possible, that he should back off.

I cannot understand how the Prime Minister in the Speech from the Throne in September said that he would convene a meeting of premiers to talk about the Romanow report even before seeing the report. He confirmed the meeting after the report came out. Yet, Kyoto has been before Canadians for five years, and there has been no significant progress made to come to a general agreement, a substantial agreement. Yet, the Prime Minister maintains that he does not wish to meet with the premiers of the provinces and territories. He has already made up his mind. That is not the way international obligations are met.

I urge honourable senators to support the amendment.

Previously, honourable senators kindly granted me leave to table correspondence from offices of premiers, and I hope I will be granted that same leave today. First, I will provide the flavour of the correspondence I have received.

Prince Edward Island is appreciative of an invitation to appear if the amendment is passed, but does not wish to be present before the Senate at this time.

From the Province of British Columbia, Premier Campbell has neither said "yes" nor "no"; but he has sent along a copy of a letter that he addressed to all B.C. senators and M.P.s in which he outlines British Columbia's great concerns. I will just give honourable senators one line that will give the flavour of the entire text. That line is as follows:

The federal plan that has been presented to provinces and territories is not only incomplete; it is inequitable.

Finally, Premier Grimes of Newfoundland welcomes the introduction of the amendment and goes on to say that a request to appear will be taken under consideration, should the Senate make the decision.

There is no firmness. However, there is interest. For the record, honourable senators, I would seek permission to table this correspondence.

The Hon. the Speaker: Is it agreed?

Hon. Senators: Agreed.

Senator Lynch-Staunton: That being said, that concludes my remarks. I hope I have convinced senators on the other side to, at least, reflect on the situation today, and to realize how rushing to ratification might provoke more discord rather than lead to the accord that we are seeking between the federal government, the provinces and the territories.

The Hon. the Speaker: Would the honourable senator respond to a question by Senator Banks?

Senator Lynch-Staunton: Yes.

Senator Banks: I think it likely that certain premiers may appear before the Senate.

• (1640)

Would the honourable senator tell us, in respect of the invitations that have been issued, how many premiers have said that they would come here to talk to us?

Second, if agreement on nine out of 12 points and two-thirds on the tenth, were not substantial agreement, what would be? Would concurrence on 10 out of the 12 points be considered substantial agreement?

Third, does the honourable senator not think that if there is a specific time, say 2010, that there would be a certain imperative to get down to the business of achieving that end and that every day that goes by before we have determined that we will achieve that end is a lost day.

We have lost five or six months of time since the announcement by the Prime Minister. We need the time to apply these matters to achieve the objectives in 2010. Is there not a time imperative?

Senator Lynch-Staunton: Honourable senators, the only way to achieve the objectives of 2010 is to get the provinces and territories on side with the federal government in a common general agreement. The government has wasted time in not convening the senior representatives of each province and territory to hammer out something. If that could not be done, I would then be on the side of the Prime Minister who, I would note, had seriously tried in a concentrated forum to come to an agreement. If one or two are holdouts, so be it.

The same happened during the discussions on free trade. There were sectorial tables. There were constant discussions among officials at all levels, including between ministers of every jurisdiction. It went on for years. That is not an exaggeration. However, in this case the government has wasted five years.

The Government of Canada has not taken the position of the territories and the provinces seriously. It is 1981-82 and the Constitution debate all over again. Patriate alone was the approach then. What did that do? It provoked a number of provinces into going to the Supreme Court. What did the Supreme Court say? They said that Mr. Trudeau was acting legally, but he was violating a convention. What did that force Mr. Trudeau to do? He was forced to bring the territories and the provinces together, which he should have done before engaging in patriation. I see the same pattern of unilateral behavior repeating itself.

Two premiers have accepted an invitation to meet. One is Premier Hamm, and the other is Alberta. The invitation was to the premier or a representative of the government. Mr. Halvar Johnson, Minister of International and Intergovernmental Relations, said, "as such Alberta would be willing to make someone available to meet with members of the Senate to provide them with similar information."

You could say that is only an informal meeting over a cup of coffee. Alberta is interested in coming before the Senate, or certainly before senators. I take that as categorical support for the approach found in the amendment.

Let us say that all 12 principles are accepted. They will not be, as the honourable senator said, because two have to do with money where the provinces say that the federal government should pay everything. I agree that that is a bit excessive, but certainly that is negotiable. Everything is negotiable. Let us sit down and negotiate. Bring the premiers in to negotiate. We are not doing that. The government is just saying "no."

Some Hon. Senators: Question!

The Hon. the Speaker: Is the house ready for the question on this item?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: No.

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators in favour of the motion in amendment please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion in amendment please say "Nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators.

Is there an agreement on the time for the vote?

Hon. Bill Rompkey: Honourable senators, there is an agreement to have the vote after Royal Assent with a 15-minute bell.

Hon. Terry Stratton: I agree.

The Hon. the Speaker: There is agreement. I would like to be more precise because when the bells start is important, and when the vote occurs is also important.

The Royal Assent would take place at 5 p.m. according to the letters. Her Excellency will be here at that time. The Royal Assent may take 15 minutes.

Accordingly, honourable senators, I will ask the Whips again when shall the bells ring?

Senator Rompkey: Honourable senators, the bells should start when Her Excellency, the Governor General has exited the chamber.

The Hon. the Speaker: When would the vote take place?

Senator Rompkey: The vote would take place after a 15-minute bell.

The Hon. the Speaker: Do you have a comment on that, Senator Stratton?

Senator Stratton: Is Your Honour saying that certainty of the time is needed?

The Hon. the Speaker: The bells will ring when the Governor General passes the bar of the chamber, and the vote will take place 15 minutes later.

[Translation]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

SIXTH REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Bacon, seconded by the Honourable Senator Maheu, for the adoption of the Sixth Report of the Standing Committee on Internal Economy, Budgets and Administration (*Senate Estimates 2003-04*) presented in the Senate on December 10, 2002.—(*Honourable Senator LaPierre*).

Hon. Laurier L. LaPierre: Honourable senators, I will not talk about it. The Chair of the committee is at liberty to spend the money allocated to her and, in the future, I will be asking her to find more. I move the adoption of this report. That is my Christmas present.

The Hon. the Speaker: Honourable senators, is it your pleasure to adopt the motion?

Motion agreed to, and report adopted.

FISHERIES AND OCEANS

BUDGET—REPORT OF COMMITTEE ON STUDY OF STRADDLING STOCKS AND FISH HABITAT ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Fisheries and Oceans (Budget—Study of Straddling Stocks and Fish Habitat), presented in the Senate on December 10, 2002.—(*Honourable Senator Comeau*).

Hon. Gerald J. Comeau moved the adoption of the report.

Motion agreed to, and report adopted.

STUDY ON STATE OF HEALTH CARE SYSTEM

FINAL REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE—DEBATE SUSPENDED

On the Order:

Resuming debate on the motion of the Honourable Senator Kirby, seconded by the Honourable Senator Cook, for the adoption of the Third Report (final) of the Standing Senate Committee on Social Affairs, Science and Technology, entitled "The Health of Canadians — The Federal Role, Volume Six: Recommendations for Reform," tabled in the Senate on October 25, 2002.—(*Honourable Senator Keon*).

Hon. Wilbert J. Keon: Honourable senators, it is a pleasure for me to rise today to make a few comments with regard to the final report of the Standing Senate Committee on Social Affairs, Science and Technology.

[*English*]

As a member of the Standing Senate Committee on Social Affairs, Science and Technology, I take this opportunity to congratulate the members of the committee for their assiduous commitment over the past two years in seeing this study to fruition. This could also not have been possible without the tremendous work accomplished by the committee staff and researchers. Special congratulations must go to Senator Kirby, who showed such tremendous leadership through this endeavour, and Senator LeBreton, as deputy chair. I must say that it was a pleasure to work with all members on the committee.

• (1650)

I should like at this time to highlight the major findings and recommendations of the report released in late October. Despite the complex ideological and political nature of health care, the 11 members of the Senate committee were able to reach unanimous consensus on a set of recommendations to reform, renew and expand Canada's publicly funded health care system.

The recommendations of the Senate committee can be grouped into six categories: one, restructuring the hospital and doctor system; two, implementing the health care guarantee; three, expanding public health care insurance coverage; four, strengthening the federal government's role in health care infrastructure; five, fostering federal investment in health research, health promotion and disease prevention; and six, raising additional federal revenue for health care.

At the onset, I wish to stress that all of the Senate committee's recommendations can be implemented without any change to the Canada Health Act. In its report, the committee expressed strong support for the five principles of the act. A major observation in the Senate committee report, however, is the need for clarification of the principle of public administration. It is important to understand that this principle refers to the funding of hospital and doctor services and not to the delivery of those publicly funded services.

With respect to restructuring of the hospital and doctor system, the Senate committee made several recommendations. First, we recommended that the current hospital-funding mechanisms, which are based primarily on funding inputs and not on final outcomes, be changed to service-based funding, a method that focuses on paying for the delivery of hospital services that meet specific performance criteria.

Second, we recommended that regional health authorities be given greater control over the full range of health care spending in their region, including the cost of physicians' services.

Third, we made a series of recommendations to reform primary health care. We believe that primary health care groups should be established. These groups should have multidisciplinary structures and provide care 24 hours a day, seven days a week. Such primary health care reforms require changing the current mode of remunerating physicians to capitation or some form of blended remuneration. Primary health care reform also requires reviewing the scope of practice rules to allow for the use of the best skills and competencies of health care providers.

One of the most pressing needs in health care relates to the supply of human resources. There is a shortage of health care providers across the country. The Senate committee believes that the federal government must play a stronger role than it has to date in coordinating the efforts to deal with the shortages of health care human resources. This should involve investment to enhance enrolment in medical colleges and nursing schools, as well as enrolment in other health care professions.

It is interesting that, 10 to 15 years ago, someone came up with the bright idea that the way to control health costs was to control the number of doctors and nurses. Hence, if you could not get to see a doctor or nurse, you could not use the system. Well, we are there now. We need more doctors and nurses.

A major recommendation to improve the delivery of care in the hospital and doctor system deals with the health care guarantee. I believe this is the Achilles heel of our report. I will dedicate myself to seeing that this is implemented. After all, if we cannot guarantee health care, we really have accomplished nothing.

I must tell honourable senators that, about 15 years ago, there was a crisis in Ontario for cardiac care. The then minister, Elinor Caplan, asked me to chair a committee to deal with that crisis. I recommended a health care guarantee for cardiac care in Ontario. I must say that that system, called the Cardiac Care Network of Ontario, still functions, and functions very well. People on the waiting list should be on the waiting list because the waiting list criteria are compiled by a peer review process. I believe this concept could be expanded across the country. It could apply, in particular, to primary care.

The Senate committee is very concerned that the failure to effectively address the problem of lack of access to timely care could lead, as a result of court decisions, to the establishment of a private hospital and doctor system. This concern should not be underestimated. Very credible legal people are now saying that a single-tiered system is unconstitutional if you cannot access it.

The Senate committee also recommended that public insurance be expanded to include coverage for catastrophic prescription drug costs, immediate post-hospital home care costs and costs of providing palliative care for patients who choose to spend the last weeks of their life at home.

Coverage for catastrophic prescription drugs would ensure that no Canadian would ever be obliged to pay out of pocket more than 3 per cent of the total family income for prescription drugs. There are places in Canada now where people can literally go bankrupt and indeed must use all of their financial resources, including their pensions, before they can draw government aid for catastrophic drug costs. Surely this is not the Canadian way.

The committee's proposed plan builds on, rather than replaces, current private and public insurance plans in order to ensure uniformity of coverage throughout the country and in order to be able to regulate which drugs are eligible under this program. It will be necessary to establish a national drug formulary, of course, to make this functional.

The post-acute home care program recommended by the Senate committee would be administered by hospitals and would cover the costs related to provision of home care for up to three months following hospital discharge. The palliative home care program would make palliative care available to Canadians in their homes. We also recommended that the federal government examine the feasibility of providing employment insurance benefits for a period of six weeks to employed Canadians who choose to leave their job to provide palliative care for their loved ones. We believe this would be a tremendous asset.

The Senate committee's recommendations with respect to health care infrastructure relate to health care technology, electronic health records and a national health care commissioner. The committee is seriously concerned that the availability of many new technologies is disproportionately low in Canada in comparison with other OECD countries. We believe that the federal government should provide funding to academic health science centres and community hospitals for the express purpose of purchasing and assessing health care technology.

The Senate committee has also concluded that both Canadians and their publicly funded health care system will benefit greatly if a national system of electronic health records is implemented. Accordingly, we recommend that the federal government provide funding to Canadian Health Infoway to develop, in collaboration with the provinces and territories, a national electronic health record system.

The Senate committee also proposes the creation of a national health care commissioner and an associated national health care council to improve the governance of health care in Canada. It is a very interesting subject, honourable senators. I remember as a young man, some time ago, at a national meeting when we were

lamenting some of the ills of the system, saying, "What this country needs is a surgeon general who can provide an annual report on the state of the health of the nation, on the deficiencies and strengths and weaknesses, and come back the next year and tell the population what we have done about it." Well, that did not go over at all. The closest we thought we could come to this would be a national health care commissioner. Really, when you consider the number of commissioners we have in other areas, this is not an unreasonable undertaking.

The Hon. the Speaker: I am sorry to interrupt, Senator Keon; however, it is five o'clock.

Is it your pleasure, honourable senators, that the Senate do now adjourn during pleasure to await the arrival of Her Excellency the Governor General?

Hon. Senators: Agreed.

Debate suspended.

The Senate adjourned during pleasure.

[Translation]

ROYAL ASSENT

Her Excellency, the Governor General of Canada, having come and being seated on the Throne, and the House of Commons having been summoned, and being come with their Speaker, Her Excellency the Governor General was pleased to give the Royal Assent to the following bills:

An Act to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties. (*Bill S-2, Chapter 24, 2002*)

An Act providing for controls on the export, import or transit across Canada of rough diamonds and for a certification scheme for the export of rough diamonds in order to meet Canada's obligations under the Kimberley Process. (*Bill C14, Chapter 25, 2002*)

An Act to amend the Copyright Act. (*Bill C-11, Chapter 26, 2002*)

An Act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act, the Garnishment, Attachment and Pension Diversion Act and the Judges Act and to amend other Acts in consequence. (*Bill C-8, Chapter 28, 2002*)

An Act to protect human health and safety and the environment by regulating products used for the control of pests. (*Bill C-8, Chapter 28, 2002*)

An Act respecting the protection of wildlife species at risk in Canada. (*Bill C-5, Chapter 29, 2002*)

The Honourable Peter Milliken, Speaker of the House of Commons, then addressed her Excellency the Governor General as follows:

May it please Your Excellency.

The Commons of Canada have voted certain supplies required to enable the Government to defray the expenses of the public service.

In the name of the Commons, I present to your Excellency the following bill:

An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003 (*Bill C-21, Chapter 27, 2002*)

To which bill I humbly request Your Excellency's assent.

Her Excellency the Governor General was pleased to give the Royal Assent to the said bill.

The House of Commons withdrew.

Her Excellency the Governor General was pleased to retire.

• (1720)

The sitting of the Senate was resumed.

[English]

KYOTO PROTOCOL ON CLIMATE CHANGE

MOTION TO RATIFY ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Banks:

That the Senate call on the government to ratify the Kyoto Protocol on Climate Change,

And on the motion in amendment of the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator Murray, P.C., that the motion be amended by substituting for the period after the word "Change" the following:

" , but only if, after the Senate has heard in Committee of the Whole from all federal, provincial and territorial government representatives who wish to appear, the Senate determines that there is a substantial measure of federal-provincial agreement on an implementation plan."

Motion in amendment negatived on the following division:

YEAS THE HONOURABLE SENATORS

Andreychuk
Atkins
Beaudoin
Buchanan
Cochrane
Comeau
Di Nino
Keon
Kinsella

LeBreton
Lynch-Staunton
Murray
Rivest
Roche
Rossiter
St. Germain
Stratton
Tkachuk—18

NAYS THE HONOURABLE SENATORS

Adams
Bacon
Banks
Biron
Callbeck
Carstairs
Christensen
Cook
Corbin
Cordy
De Bané
Ferretti Barth
Finnerty
Fitzpatrick
Fraser
Furey
Gauthier
Gill
Graham
Hervieux-Payette
Hubley

Jaffer
Joyal
Kroft
LaPierre
Lapointe
Léger
Losier-Cool
Maheu
Milne
Morin
Pearson
Phalen
Poulin
Poy
Robichaud
Rompkey
Setlakwe
Sibbeston
Smith
Watt—41

ABSTENTIONS THE HONOURABLE SENATORS

Cools

Spivak—2

The Hon. the Speaker: Honourable senators, we now return to the main motion.

• (1740)

Hon. Terry Stratton: Honourable senators, it is a pleasure to rise today to join in the debate on the motion that the Senate call on the government to ratify the Kyoto Protocol.

It is unfortunate that the amendment of Senator Lynch-Staunton did not pass this house. Passage of this amendment would have allowed the provinces and territories to appear before this chamber, present their positions and concerns, and to work toward a consensus on an implementation plan. There would have been an effort to reach a workable plan with the provinces before ratification that legally binds Canada to commitments we may or may not be able to achieve.

In the context of consultations with the provinces, I note that, shortly before the 1997 meetings in Kyoto, the Government of Canada met with the provincial governments, and they actually reached a consensus view on the position to be taken. However, the Government of Canada decided to play a game of one-upmanship with the United States on Kyoto, taking the view that, whatever the U.S. promised, Canada would do better. The end result was that the Government of Canada was hoodwinked; it was snookered; it was taken for a ride. The United States announced its position and Canada did one better, and now the United States has decided not to ratify.

Honourable senators, Canadians are undoubtedly concerned about the environment and would like to see a reduction in greenhouse gas emissions. We want to ensure that our environment is respected and that substantial development is promoted.

These goals are laudable and Canada should be working to make progress on all of them, but let us not forget that, as we move forward with the important goal of reducing greenhouse gas emissions, it is important that we work in full partnership with our provincial counterparts and other key stakeholders. That has been evident in both the debate on this motion and on the amendment over the past few weeks.

It is also important, as we develop our plans to reduce greenhouse gas emissions, that we know what the costs are and what individuals and provinces will have to do to achieve that goal. Senator Lynch-Staunton, Senator Beaudoin, Senator Murray and Senator Spivak have all mentioned the absence of provincial agreement on the implementation of the Kyoto Protocol.

Senator Lynch-Staunton noted that trying to ratify the protocol without provincial agreement reminded him of the unilateral patriation of the Canadian Constitution by former Prime Minister Trudeau. Senator Lynch-Staunton said that, at the time, a number of provinces individually initiated legal action in their respective courts of appeal with Nova Scotia, British Columbia, Prince Edward Island, Saskatchewan, Alberta, and the Four Nations Confederacy Inc. joining with those provinces, which were Manitoba, Newfoundland and Quebec, in support of the subsequent appeals to the Supreme Court of Canada, all arguing that the consent of the provinces was required.

We know what the Supreme Court of Canada said in this matter. The justices stated that substantial agreement was required and that the passing of the resolution without such agreement would contravene convention and would thus be unconstitutional.

Senator Beaudoin has aptly pointed out that the ratification of the Kyoto Protocol on climate change does not solve anything. He said it is in implementation that the Kyoto Protocol will lead to legal consequences and that we must follow the division of powers set out in the Constitution Act, 1867. Therefore, the federal government and the provincial legislatures must legislate within their areas of jurisdiction to implement the Kyoto Protocol.

We do not know how the government will implement the Kyoto Protocol in the absence of provincial consensus. We do know, as Senator Beaudoin has said, that the implementation of the protocol will affect numerous provincial areas of jurisdiction, including natural resources, the environment, transportation, municipalities, housing, agriculture, land management, manpower training and, more generally, property and civil rights.

Senator Murray related a conversation he had with Elizabeth May of the Sierra Club who said that the Kyoto targets could be met by the federal government acting alone using federal levers. Senator Murray said:

She did not agree with me that that would require the exercise of the peace, order and good government power, or a carbon tax, or, perhaps, the use of the environment act that would enable the federal government to simply declare a substance toxic and then tell the provinces what to do.

Senator Eyton has echoed the uncertainty about how Kyoto would be implemented. He noted that there is much unease in the business community at the federal government's lack of precision in its statements and actions to date.

He said:

There appears to be no commitment to any specific course of action, other than the targets themselves, that were largely negotiated by others, without any regard to Canadian needs and challenges, and in particular without any regard to the thinly populated massive land mass represented by Canada and to the significant clean energy exported by Canada to the U.S. as a contributor to their program to reduce greenhouse gas emissions.

Senator Eyton also said:

We need to have an implementation plan broadly acceptable to Canadian provinces and industry, for the political and economic well-being of Canada and Canadians.

Senator Lynch-Staunton, Senator Kinsella and Senator Murray were eloquent in noting the process and the manner in which previous international treaties have been dealt with prior to ratification. Senator Andreychuk talked about the treaty implementing process in other countries.

Let us recall the acid rain agreement, where Prime Minister Mulroney was able to tell the President of the United States that every province and territory supported it.

Senator Kinsella spoke to the process leading to the ratification of two international treaties in the field of human rights; the International Covenant on Civil and Political Rights with its optional protocol, and the International Covenant on Economic, Social and Cultural Rights. He said:

The Prime Minister of the day, Prime Minister Pearson, recognized that there was provincial jurisdiction involved and that Canada would only be able to meet its obligations if the provinces would concur. It took 10 years, which saw numerous federal-provincial meetings of officials and ministers responsible for human rights.

Honourable senators, we are all aware of the significant progress in the sphere of social justice that Canada has made since those international instruments were implemented in all jurisdictions across Canada. We are all aware of the high regard in which Canada is held worldwide in the area of human rights.

• (1750)

In preparing for the Free Trade Agreement, Senator Murray noted that there were 11 first ministers' conferences. He recalled that there were numerous meetings of federal and provincial trade ministers, and that after every negotiating session with the Americans, there were conference calls between officials at the provincial and federal levels.

At the end of the day, the federal government was confident enough to proceed and ratify the agreement. Then all the provinces, including the ones who objected to the Free Trade Agreement, moved forward with actions to ensure they were compliant with the Free Trade Agreement.

Senator Andreychuk in her comments noted that Canada has done little to modernize and democratize this treaty implementation system, while other nations like Great Britain and especially Australia have completely revamped their systems. Australia maintains within its constitutional structure the exclusive right of the executive to sign and ratify treaties. However, treaties must first be tabled in Parliament for at least 15 days before the government takes binding action, either signing or ratifying. This enables Parliament to take into consideration the economic, social and cultural effects the treaty will impose upon the country. Australia also has a joint parliamentary standing committee on treaties and treaty councils, which serves as an advisory mechanism for consultations with state governments on treaties of particular sensitivity and importance to states.

Consider the difference between Canada and Australia in this matter, honourable senators. Neither of our Houses of Parliament has heard witnesses, nor have the provincial governments come before us to discuss their concerns about the Kyoto Protocol.

However, as Senator Spivak has rightly pointed out, we cannot afford to do nothing about greenhouse gas emissions. She said:

In any event, if we do nothing, we are definitely headed toward double the emissions of greenhouse gases. We cannot stop that, and that is very unfortunate. However, if we do nothing, we will be heading towards three times the number of greenhouse gas emissions that we have now, and that would truly be a disaster.

In returning to the goal set out in the Kyoto Protocol, the goals that Canada committed to in Kyoto in December 1997 and formally signed in March 1998, what work has been done to move

toward those goals? That is a good question. What are the details of the tax measures to encourage environmentally friendly technologies and alternate energy sources? Why are municipalities and provinces still arguing about federal monies to fund public transportation? Why is it not clear who will get credit for agricultural sinks if we go ahead with ratification of the Kyoto Protocol? There is a veritable litany of unanswered questions, questions that ought to be addressed prior to ratification.

Honourable senators, we must reduce greenhouse gases. The goals of the Kyoto Protocol are sound, but the processes that are being followed by the government in developing the implementation plan in question are doubtful. Every province is committed to a reduction in greenhouse gases, yet provinces are questioning the federal government's so-called implementation plan. They are questioning who will bear the costs of implementation.

It is essential for our environment and our future that we deal with this matter in a responsible and responsive way. That means full participation of our provincial partners. We must do our job and it must be done properly. To move ahead and make real progress on the goals of the Kyoto Protocol, we must have a federal-provincial implementation plan that ensures that we can meet the targets we signed at Kyoto.

It was seen as a historic moment when the Prime Minister announced in Johannesburg that he would call upon Parliament to vote on the ratification of the Kyoto Protocol. As Senator Lynch-Staunton stated in his remarks, while ratification of international treaties in Canada is the exclusive responsibility of the executive, supporters of the Kyoto Protocol were greatly heartened by the statement that the Canadian Parliament would be asked to vote on ratification. This was unanimously interpreted as an unequivocal commitment to seeking Parliament endorsement for ratification before the end of 2002. Hopes were raised that there would be a serious plan, that the provincial governments would be brought onside, and that Parliament would have something of substance to review and debate.

Unfortunately, it has become apparent that the vote in the Senate will be essentially meaningless. It will be meaningless unless we, as the historic voice for the provinces and regions in Parliament, urge the government to increase its effort to secure a genuine and collaborative method for developing an implementation plan for the Kyoto Protocol on Climate Change.

I should like to read the existing motion as it stands on the Order Paper. It currently reads:

That the Senate call on the government to ratify the Kyoto Protocol on Climate Change.

MOTION IN AMENDMENT

Hon. Terry Stratton: Honourable senators, I wish to propose an amendment. I move, seconded by the Honourable Senator Kinsella:

That the motion be amended by deleting the words "That the Senate call" and adding the following before the word "on":

"Whereas the implementation of the Kyoto Protocol in Canada can better be achieved through the collaboration of the Provinces, Territories and the Federal Government, the Senate urges the Provinces, Territories and the Federal government to increase their efforts to secure collaboration and the Senate calls"

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, we are pleased to support this amendment. It calls for the kind of good government that we think has already taken place. There has been cooperation, at least from the federal government to the provinces and the territories. We want the provinces and the territories to join with us in order to have the best possible agreement for Canada. As such, we gladly support the "whereas" paragraph that has been suggested.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Motion in amendment agreed to.

The Hon. the Speaker: The house now comes to the main motion. Is the house ready for the question?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the whole process begins with the United Nations Framework Convention on Climate Change.

• (1800)

That convention laid out the objective and the framework for managing our environment better. The Kyoto Protocol is a protocol to that convention. It lays out the implementation or mechanism to enforce the convention. As I had the opportunity to say in speaking to Senator Lynch-Staunton's amendment, I support the convention as well as the principles of the Kyoto Protocol.

However, to make it perfectly clear where we stand in the Senate of Canada, because we have had a good debate, and there may have been more agreement —

The Hon. the Acting Speaker: Honourable senators, I am sorry to interrupt. It is now six o'clock. Is it your pleasure, honourable senators, that I not see the clock?

Hon. Senators: Agreed.

Senator Kinsella: Honourable senators, there is a common understanding, as far as the convention is concerned, that it be embraced by this chamber. I should like to make that perfectly clear, believing that the fullness of the motion that we would adopt should articulate exactly what we considered in this house.

MOTION IN AMENDMENT

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Accordingly, I move, seconded by Senator Stratton, that the

motion as now amended be further amended by adding before the word "whereas" the following words:

"Whereas the United Nations Framework Convention on Climate Change signed by the Government of Prime Minister Brian Mulroney on June 12, 1992 and ratified by Canada on December 4, 1992 is embraced by the Senate of Canada; and,"

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment by Senator Kinsella?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I want to make it clear that we are not in favour of this amendment.

The Hon. the Speaker: Is the house ready for the question?

Hon. John Lynch-Staunton (Leader of the Opposition): Would the Leader of the Government be happy if the words "Brian Mulroney" were removed?

Senator Carstairs: Honourable senators, I do not think that is relevant to the debate. What is relevant is that the Kyoto Protocol stands on its own and should, in our resolution in the Senate, stand on its own.

Senator Kinsella: I have a question for the Leader of the Government in the Senate. Does or does not the government support the convention to which the protocol applies, the convention that was signed by Canada in 1992 and ratified?

Senator Carstairs: It is absolutely implicit. The honourable senator's amendment is unnecessary.

[Translation]

Hon. Eymard G. Corbin: Honourable senators, this is the second amendment introduced in English only. Would His Honour please read us the French text of the amendment?

The Hon. the Speaker: Honourable senators, the French version of the motion is not the same as the English version.

Senator Corbin: Honourable senators, I thought that amendments were supposed to be introduced in both official languages. This seems to be a practice that is not always respected and I am raising this issue now. I do not want to be like Scrooge, but this is an issue concerning respect for our official languages. If an amendment is proposed in one language, the Chair provides the House with the other language; that is the tradition.

For some time, all of the amendments have been introduced in English. It seems to me that this is in violation of the spirit of the Official Languages Act as it applies to the Senate. That is all I wanted to say. The Senate may now do as it pleases.

Senator Kinsella: Honourable senators, I tabled an English version and a French version of the amendment with the clerk, except I changed some words in the preamble. However, the text of the motion was written in French and I think it would be all right for the Honourable the Speaker to read it.

The Hon. the Speaker: Honourable senators, here is the French version of the motion:

En amendement, l'honorable sénateur Kinsella, appuyé par l'honorable sénateur Stratton, que la motion modifiée soit modifiée de nouveau par l'ajout de ce qui suit avant les mots « Attendu que »

«Attendu que le Sénat appuie la Convention-cadre des Nations Unies sur les changements climatiques signée par le gouvernement du Premier ministre Brian Mulroney le 12 juin 1992 et ratifiée par le Canada le 4 décembre 1992; et ».

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

The Hon. the Speaker: Will those honourable senators in favour of the motion please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators who are opposed to the motion please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

Motion negatived.

[English]

The Hon. the Speaker: Is the house ready for the question on the resolution?

• (1810)

Hon. David Tkachuk: Honourable senators, we have listened to the upcoming apocalypse from honourable senators opposite and from the Minister of the Environment that rivals Zechariah, chapter 14, in the Old Testament. There will be a plague, with which the Lord will strike all the people, and their flesh will rot, and their eyes will rot in their sockets.

Do you get the idea?

Zechariah was predicting the end of time. Many speakers referring to plagues and droughts and fires are blaming natural disasters, which have occurred for millions of years, on global warming, not just normal warming, but man-induced global warming.

Believing in the apocalypse by itself is not a sin. However, to say that the Kyoto accord will prevent it is incoherent public policy. It is as politically shameful as the gun registry being sold as gun control and convincing Canadians they will be safer because a farmer in Spiritwood, Saskatchewan registered his gun.

The bureaucracy that will be required to keep track of smoke-stack industries and the reporting mechanisms that will

be foisted on Canadian business will make the gun registration bureaucracy look like a test case for the real thing, Kyoto bureaucracy.

In Western Canada three out of four provinces, including my constituency of Saskatchewan, believe that Kyoto has not been properly negotiated. Three Western provinces believe that the federal government has not thought through the implications of the accord. They believe its consequences will be harmful to Canada's economy, and that it will have terrible repercussions on investment and jobs. Premier Klein equates it to the National Energy Program.

I should like to read a few excerpts from the past that I think honourable senators would find interesting. In 1930, there was a 10-year drought in North America. Some of the conditions they faced were an infestation of grasshoppers and a weed called the Russian thistle. The grasshoppers were so thick, they clogged the radiators of cars and made the roads slippery. Chickens and turkeys ate the insects, giving a foul taste to the meat and the eggs. The Russian thistle piled against fences and barns often 20 feet deep.

A climatologist from Virginia writes about what was happening in the Shenandoah Valley. He called it the 1930 horror show with its peak between July 19 and August 10. The summer's high temperatures recorded at Charlottesville's Leander McCormick Observatory were 103, 107, 106, 105, 97, 92, 102, 104, and 98 degrees Fahrenheit. This continued until August 17. That was global warming. In the Shenandoah National Park 300,000-acres went up in smoke. They had 10 times the normal number of fires. The temperature hit 110 degrees day after day, and mega droughts cost Virginia \$1 billion. Hordes of thirst-crazed snakes attacked a turkey farm. This is not the first time we have had aberrations in the weather.

CO₂ has increased in abundance in the last half century in the atmosphere; consequently, it has been labelled as the culprit of global warming. It seems that part of the driving force for the Kyoto Protocol is: Why not spend a few billion dollars in case the scaremongers are correct and the world will turn into hell on Earth, as suggested by Andrew Coyne? Some senators have used the same argument.

If Andrew Coyne had used the same logic in 1900, he would have been the one shovelling horse manure, and perhaps advocating that the government should tax horse owners, and particularly those owners of four horses, rather than two. Does that sound familiar? It seems they produced a veritable mountain of manure. At the time, there were learned predictions of a looming catastrophe in the United States, a brown shadow, you might say, as actuarial calendars proved that taking the rate of horse ownership from the year 1900 and forecasting it to 1930, America would be buried with horse manure. I wondered if they contemplated taxing four-horse carriages in order to force the consumer to limit them to a two-horse or a one-horse carriage?

Who would have thought that 100 years later, we would be talking about emissions; just a different kind? Both are natural and environmentally friendly, but in large amounts, lethal.

I wish to ask honourable senators to reflect on the approach contemplated by the protocol.

If we have learned anything this century, it is that central planning is something to be avoided at all costs. The Kyoto accord is an attempt to create a world agreement that most of the world is either avoiding by not participating as a signatory, such as the United States and Australia, or being part of the group that signs, but, because of their status in the world, which is underdeveloped, they have no obligations. I am referring to countries such as India and China.

India and China believe there will be a large cost as a result of being a signatory to the accord. We do not believe there will be a large cost. In fact, all the other countries that have not signed believe that the cost of the agreement will retard their development. They think they can skip this agreement, but also other environmental responsibilities because Western nations had the luxury of developing in the early part of the century when environmental considerations were not a major public policy concern. They argue they should have the same economic advantage — pollute the earth so they can grow.

I am sorry to say that we in Canada buy this economic hocus-focus. This is the main reason that President Bush rejected the Kyoto solution. It is the poor-cousin approach that let emerging nations escape responsibility.

They already have a huge economic advantage over earlier Western economies. They all have very rich customers, the West, to buy the goods they produce. They have investment pools of capital produced by the West as well as the tremendous technological skills and technologies to assist them in their development, such as airplanes, telephones and computers. They do not need to be polluting.

It is not our fault that many of them wasted most of the century with socialism, dictatorships, both military and communistic, and other forms of central planning that have left them a century behind, and in some cases, they are barely arriving at the 20th century.

We help them by adopting central planning, reduce CO₂ gases and make ourselves poorer, hence having less money to help them achieve the same technological skills that we in North America have. We are the cleanest economy bar none in the world. The United States produces less CO₂ per GDP than anyone in the world. They also produce the most CO₂ because they produce most of world's wealth, and we would all be poorer without them.

In response to their CO₂ emissions, the United States has adopted a market-based program to reduce emissions, and they have combined it with plans to reduce emissions and other noxious gases. Tax incentives and research dollars are at the base of their program.

While President Clinton talked the talk, he could not walk the walk. He knew that almost every elected representative from both parties in both houses was adamantly and overwhelmingly opposed to the Kyoto accord. That is why he never put it to a vote.

The economics of Kyoto were also centrally planned. Therefore, I can guarantee their failure. As countries reduce CO₂ emissions, this will no doubt reduce the price of fossil fuel

commodities. We all know that. As we set about raising the price in Canada and in other countries, we will use less fossil fuel, therefore making it cheaper to those countries that have not signed on. This will give them an incentive to use more fossil fuels, erasing the gains made by the signatories by increased use elsewhere. That is what will happen. While we are taxing carbons, SUVs, minivans and other recreational vehicles, Asia and India will have greater incentive to use them, and they will be thinking, "Good for us." While we will be artificially propping up fossil fuel prices with taxes, countries that have not signed on will be increasing their economic advantage because they will be awash with cheap energy.

• (1820)

This is a mug's game that will make our workers suffer the worst effect of this centrally planned disaster. Developing countries must be rubbing their hands with glee, because if I lived there I would be. The European Union, although supporting Kyoto, has a caveat that its member countries have to agree on who will do what. They cannot agree on the size of a tariff-free banana and they are so preoccupied with the drinking habits of the Irish that I do not hold much hope that their participation at their centrally planned Brussels Parliament will be positive.

Fortuitously, the Standing Senate Committee on Agriculture and Forestry is studying the effects of global warming. In fact, it is the only committee on Parliament Hill that is doing so. We have had a number of meetings under the capable leadership of Senator Donald Oliver, who succeeded the very capable Senator Leonard Gustafson. On November 21, 2002, Henry Hengeveld, Chief Science Advisor, Meteorological Service of Canada, Environment Canada, testified before us, and I asked him the following question:

If the Kyoto accord is adopted and the world meets its targets, what effects will that have on climate change?

To that question he responded as follows:

It would delay the critical thresholds that we see ahead by about a decade. Therefore, by itself, the Kyoto Protocol will not solve the problem. It will have only a minor delay.

In my own Saskatchewan language, instead of frying in the year 2100, we will fry in the year 2110.

Senator Day actually asked an interesting question of Mr. Pearson from Laurentian University. He said:

Is there a model that predicts a new ice age?

They were talking about the models that would be producing global warming. Mr. Pearson replied as follows:

If you were to look at the temperature trends for the northern hemisphere until about the 1960s — this is the northern hemisphere and not the globe as a whole, not just Canada, but the northern hemisphere — you would find there was a cooling trend, a downward trend in average annual air temperature. It is that trend which is now kicking upward.

Therefore it has been going up and down.

At a meeting of the American Geophysical Union in San Francisco, on December 11 2001, scientists presented computer simulations indicating that rising carbon dioxide levels would lengthen the time that a low-pressure weather system hovered over the North Pole and a high pressure hovered air mass over the Atlantic. That pattern tends to blow in warm air from the Atlantic into Europe, potentially leading to wetter and warmer winters over the coming decades, but that gradual shift to warmer and wetter winters may also cause an abrupt change. Some climate models predict that the increased rainfall may weaken or perhaps even stop the Atlantic currents that carry warm water northward from the Tropics, and may plunge Europe into a new ice age. Other models predict no effects.

Last Saturday, by reading an article in *The Globe and Mail*, we learned there is less unanimity in the scientific world about global warming than many would have you believe, and that the information is still out there and is in many cases conjecture. It is not so much that anyone has proved CO₂ causes global warming — and I think most people would agree — as that no one has proved that it does not. Guilty until proven innocent. This is not science, honourable senators; this is ideology. In many cases it is scientists being driven by research grants, according to this meteorologist who was writing in *The Globe and Mail*. Of course, many honourable senators believe that corporate grants to universities taint research, and now we have to seriously look at huge amounts that will drive the global warming industry.

Along with this, we have all the conspiracy theories: Giant multi-nationals, friends of George Bush, in the oil industry who want to keep the world safe for fossil fuels, and hiding technologies that would rid our dependence on fossil fuels.

One thing I am confident of is that energy substitution is being studied by thousands of Americans, Canadians, and other people worldwide. I believe it is the Western economies that are driving this research and that will drive this research. There is just too much money in energy. In fact, there is so much money that Quebec, of all provinces, that defends provincial rights to its political death, can hardly wait for new taxes on carbon fuels that will increase the demand for hydro electric power. We have learned one thing in Western Canada — provincial powers can be bought.

The Kyoto Protocol, by the estimates of the federal government, will cost Canadians — and this is from a federal government document — \$16.5 billion every year.

The Hon. the Speaker: I am sorry to interrupt, Senator Tkachuk, but I must advise that your 15 minutes have expired.

Senator Tkachuk: I just have half a page.

The Hon. the Speaker: Is leave granted, honourable senators?

An Hon. Senator: One minute.

Senator Tkachuk: The Kyoto Protocol, by the estimates of the federal agreement, will cost \$16.5 million. The Alberta government estimates it will cost \$33 million. It will cost

\$2,124 per family on the low end — as the federal government estimates — \$4,248 at the high end, and \$200,000 will be lost by the Canadian Manufacturers Association. The federal government is not in a condition to commit our country to an agreement this serious. We, in the Senate, are being asked to participate in this political travesty and I, for one, will not do so. I will vote against the resolution, but I do have an amendment.

MOTION IN AMENDMENT

Hon. David Tkachuk: Honourable senators, I move:

That the motion, as amended, be further amended by adding the following before the word “Whereas”:

“Whereas the principles of the Kyoto Protocol to the United Nations Framework Convention on Climate Change are supported by the Senate of Canada; and”

[Translation]

The Hon. the Speaker: The motion in English differs from the French version. The versions must be identical in both official languages.

By the Honourable Senator Tkachuk, seconded by the Honourable Senator Stratton: that the motion, as amended, be further amended by adding the following before the word “on”:

“Whereas the principles of the Kyoto protocol to the United Nations Framework Convention on Climate Change are supported by the Senate of Canada; and

[English]

It is moved by the Honourable Senator Tkachuk, seconded by the Honourable Senator Stratton that the motion be further amended by adding the following before the word “Whereas”:

Whereas the principles of the Kyoto Protocol on the United Nations Framework Convention on Climate Change are supported by the Senate of Canada, and

• (1830)

Is it your pleasure, honourable senators, to adopt the motion in amendment?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is interesting that this is the final, I hope, amendment, from the other side, or at least that is what we have been given to believe. It was introduced with a speech, which I totally reject, and with ideas that I believe are completely false. Therefore, I could not possibly support the amendment.

The Hon. the Speaker: Is the house ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

[Senator Tkachuk]

[Translation]

The Hon. the Speaker: Will those honourable senators in favour of the motion please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators who are opposed to the motion please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

Motion negatived.

[English]

The Hon. the Speaker: We are now back to the main motion, as amended. Would honourable senators like me to read the question?

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion, as amended, please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion, as amended, please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the "yeas" have it.

Hon. Norman K. Atkins: On division.

Motion agreed to, on division.

STUDY ON STATE OF HEALTH CARE SYSTEM

FINAL REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE—DEBATE ADJOURNED

On the Order:

Resuming debate on the motion of the Honourable Senator Kirby, seconded by the Honourable Senator Cook, for the adoption of the third report (final) of the Standing Senate Committee on Social Affairs, Science and Technology, entitled: *The Health of Canadians — The Federal Role, Volume Six: Recommendations for Reform*, tabled in the Senate on October 25, 2002.—(Honourable Senator Keon).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I should like to move the adjournment of the debate in which Senator Keon was engaged. I would ask that the adjournment stand in his name and that he be allowed to use the balance of his time.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

SIXTH REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Bacon, seconded by the Honourable Senator Maheu, for the adoption of the sixth report of the Standing Committee on Internal Economy, Budgets and Administration (Senate Estimates 2003-04) presented in the Senate on December 10, 2002.—(Honourable Senator LaPierre).

Hon. Lise Bacon moved the adoption of the report.

Motion agreed to and report adopted.

HUMAN RIGHTS

BUDGET—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Human Rights (Budget—Study on Canada's possible adherence to the American Convention on Human Rights) presented in the Senate on December 12, 2002.

Hon. Shirley Maheu moved the adoption of the report.

Motion agreed to and report adopted.

[Translation]

OFFICIAL LANGUAGES

BUDGET—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Standing Senate Committee on Official Languages (Budget—Study of Operation of Official Languages Act), presented in the Senate on December 12, 2002.

Hon. Rose-Marie Losier-Cool, moved adoption of the report.

Motion agreed to, and report adopted.

[English]

THE SENATE

ALLOTMENT OF TIME FOR TRIBUTES—MOTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Lapointe, seconded by the Honourable Senator Gill:

That Rule 22 of the *Rules of the Senate* be amended by adding after subsection (9) the following:

"Tributes

(10) At the request of the Government Leader in the Senate or the Leader of the Opposition, the time provided for the consideration of "Senators' Statements" shall be extended by no more than fifteen minutes on any one day for the purpose of paying tribute to a Senator or to a former Senator, and by such further time as may be taken for the response under subsection (13).

Time limits

(11) The Speaker shall advise the Senate of the amount of time to be allowed for each intervention by Senators paying tribute, which shall not exceed three minutes; a Senator may speak only once.

No leave

(12) Where a Senator seeks leave to speak after the fifteen minutes allocated for Tributes has expired, the Speaker shall not put the question.

Response

(13) After all tributes have been completed, the Senator to whom tribute is being paid may respond.

Senate Publications

(14) The tributes and response given under subsections (10) to (13) shall appear under the separate heading "Tributes" in the *Journals of the Senate* and the *Debates of the Senate*.

No bar

(15) Nothing in this rule prevents a Senator from paying tribute to another Senator or to a former Senator at any other time allowed under these rules.

Other tributes

(16) Nothing in this rule prevents an allocation of time for tributes to persons who are not Senators or former Senators."—(*Honourable Senator Sparrow*).

Hon. Joan Fraser: Honourable senators, this motion stands on its fifteenth day. I would hate to see it disappear from the Order Paper because I believe it is a subject in which a number of senators have quite a keen interest. I know there are some senators who are opposed to it. I will take this occasion to repeat what I said in the last session of Parliament, that I favour this adjustment to our rules for any number of reasons. I will not take the time of honourable senators this evening to enumerate them. However, I do hope that when we return after our break, debate will resume on this important and valid motion.

On motion of Senator Hubley, debate adjourned.

TRANSPORT

STATE OF AIR TRAVEL IN CANADA—INQUIRY—DEBATE ADJOURNED

Hon. Ethel Cochrane rose, pursuant to notice of December 3, 2002:

That she will call the attention of the Senate to the state of air travel in Canada.

She said: Honourable senators, I rise to speak on a topic that I know is of great importance to the people across this country and in every region that we have been appointed to represent; that is, the state of air travel in Canada.

I realize that I am limited to just 15 minutes, today, to discuss a topic on which there is much to say. I humbly suggest to honourable senators that I am merely scratching the surface.

Many problems have been observed in aviation in recent months and years. Indeed, in this chamber not more than a couple of weeks ago, senators raised similar questions and concerns on the airline industry, our airports, and aircraft hygiene and public health.

I should like to draw the attention of honourable senators to what I perceive to be some of the key areas of concern, and I should note that these concerns are shared by many. In fact, today, the Transport Committee in the other place is tabling a report based on its study of aviation security fees.

This issue is a timely one. It is my sincere hope that other senators will take the torch that I am passing and engage in a fruitful dialogue on this important matter.

Honourable senators, media reports have been quick to remind us that air travel in this country is bad — very bad — and it is only getting worse. I remember reading a newspaper article in the *Calgary Herald* last winter in which a business writer lamented Air Canada's ongoing financial and operating difficulties. Those difficulties, he said, "underscore the sorry state of one of the country's key economic and support industries — an industry that has fallen to Third World status."

As reported in the media throughout the past year, there is more than just anecdotal proof of skyrocketing airfares. In the last year, in the absence of competitors such as Roots Air, Canada 3000 and Royal Aviation, leisure fares have jumped 20 per cent and Air Canada's domestic business fares have climbed almost 13 per cent. These increases are significant, especially given the overall drop in air travel that followed the September 11 attacks.

Compared to our neighbours to the south, Canadians are paying significantly more for domestic travel. In the United States, these lower fares have inspired Americans to fly often or at least more often than Canadians. Data show that in recent years Americans have taken, on average, almost twice as many flights per capita as Canadians. This has translated into greater passenger support for that country's well-established network of international, regional and local air carriers.

• (1840)

Presently, Canadians buying tickets for travel within the country pay an incredible number of fees. According to figures from the Air Transport Association of Canada, ATAC, the various fees that Canadians pay on tickets for domestic air travel can reach more than 40 per cent of the base ticket price.

This sounds unbelievable, does it not? I know it does. Accordingly, I should like to give honourable senators a typical example. My example is the advertised price offered by one of our discount carriers. Honourable senators have seen these ads, I am sure. For an \$89 one-way ticket from Halifax to Ottawa, a typical passenger would pay \$28 in NAV CANADA fees, \$10 for airport improvement, \$11.22 for the Air Travellers Security Charge and almost \$21 in harmonized sales tax. In the end, that \$89 one-way trip would cost our typical traveller \$158.95.

In this example, taxes and fees account for about 43 per cent of the complete ticket cost for one-way travel. A one-way ticket that is advertised as a mere \$89 actually costs closer to \$160. The wide array of government fees and taxes has escalated the ticket price by almost \$70.

If our typical traveller were to purchase a return ticket, priced at \$89 one-way, here is how the total travel receipt would look: \$56.00 in NAV CANADA fees; \$20 for airport improvement; \$22.43 for the security surcharge; and more than \$40 in harmonized sales tax. This would bring the grand total of the return trip to just under \$320. While the base cost of the return ticket would be \$178, our typical traveller would pay over \$140 in additional fees.

Honourable senators, this is atrocious. Among those fees, of course, are some high-profile, relatively new charges for travellers, some of which were implemented in response to the terrorist attack in the U.S.

The airlines were the first to act. They introduced a new surcharge to cover the rising cost of airline insurance. Currently, this fee is \$3.00 for a one-way ticket, and it is automatically added to the price of all tickets.

In the last budget, the government acted by pledging \$2.2 billion over five years to make air travel more secure. The proposed new security measures included better trained personnel to screen passengers and carry-on baggage, new explosive detection systems, armed undercover police officers on Canadian aircraft and modifications to the cockpit doors.

To achieve this end, the government introduced the now well-known Air Travellers Security Charge on April 1 of this year. Despite the common perception, the charge is not exactly \$12 each way for travel in Canada. Officially, air travellers must pay \$11.22 for each chargeable emplanement. Chargeable emplanements, according to the official definition, are embarkations by an individual at a listed airport on an aircraft operated by a particular air carrier. In layman's terms, this includes the act of changing planes.

Honourable senators, as we know, it is not unusual for a passenger to make more than one emplanement for a one-way ticket. According to information I received when I contacted the Canada Customs and Revenue Agency, if I were flying one-way but had a stopover for more than four hours, or if I had been given separate tickets for the different flights on my one-way journey, I would be charged a full \$24.

Clearly, it is possible for one-way travellers to face more than one chargeable emplanement. It is indeed possible to be charged the maximum Air Travellers Security Charge of \$24 for even one-way travel.

While the surcharge is supposed to equal \$12 one way, that is not how much it costs everywhere. I am referring here to the Atlantic Provinces. In particular, I refer to Newfoundland and Labrador, New Brunswick and Nova Scotia. In those provinces, a harmonized sales tax of 15 per cent is charged, which is then applied to the security surcharge of \$11.22, the end total of which is \$12.90 in Atlantic Canada. As noted by the Alliance of Canadian Travel Agents recently, air travellers from these provinces are paying a security surcharge of almost \$13 one way.

At \$24 for a return trip, Canada's new security tax is the highest in the world. It is, on the average, 300 per cent higher than the security tax paid by our neighbours to the South. On the average, Americans pay about Can. \$7.65, while Australia's security tax is just over Can. \$8.00. It is interesting to note that in one of the world's greatest hot spots, Israel, the security charge is only \$12.42. That is practically half of what Canadian are paying for the Air Travellers Security Charge, honourable senators.

By September, air travellers had already paid more than \$160 million in this fee alone. Earlier projections quoted in media outlets such as the *Calgary Herald* indicate that the tax could raise between \$2.2 billion and \$3 billion a year.

Before the surcharge came into effect, calculations by the Finance Department were cited in the media. It was suggested that the tax would gouge Canadian travellers for up to \$1 billion more than the costs of all of the planned safety measures combined. Honourable senators, according to an article in the *Toronto Sun* on March 8, 2002, the department's figures suggest that the tax is at least 30 per cent larger than required.

An article appearing in the *London Free Press* gives a better understanding of how some of the figures add up and provides insight into the security value of the measures proposed. In reference to the \$1 billion in new bomb-detection machines to scan checked luggage at Canadian airports, the article explains that \$1 billion is enough to buy 600 top-end bomb detectors, or roughly 10 times the total number now in use in the entire world.

Apparently, the plan was for Canada to order about five of the devices. The machines cost somewhere in the vicinity of \$1.6 million each. Remembering that \$1 billion, honourable senators, that would leave more than \$992,500,000 in the purchasing budget.

It is my hope that government keeps this surplus in safekeeping. After all, security experts warn that today's bomb-detection devices may be obsolete in no time at all by new technologies.

However, bomb detection is merely one aspect of the new security features.

The other important prominent security feature is passenger screening. We are all well aware of this procedure. We are by now accustomed to arriving at airports early, so that we can be screened and allowed to board our flights on time. What I find particularly interesting in this instance, however, is that the screening of passengers and their carry-on luggage used to be the exclusive responsibility of the airlines. It is only as a result of the new security regime that the government must now shell out almost \$130 million to take over the passenger screening from the airlines. It has been reported that the transfer of this responsibility will save Air Canada \$70 million per year.

While on the topic of screening, I should note that the newspapers just last week reported that airport passenger screeners are still earning as little as \$6.95 an hour. This news came from the House of Commons Transport Committee meeting with the Canadian Transport Security Authority. CATSA is the agency that was created to, among other things, take over responsibility for the contract of screeners from the airlines. This transfer occurred April 1, 2002, the date CATSA also began collecting the security fee. We will remember, of course, that when this fee was debated one of the most compelling arguments to support it was that new monies collected would provide a higher wage for screeners.

The Hon. the Speaker: Senator Cochrane, I regret to advise that your 15 minutes have expired.

Senator Cochrane: Might I have leave to finish my remarks, honourable senators?

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Cochrane: On the subject of higher wages for screeners, this, we were told, was necessary to retain the most qualified employees. Indeed, we were told there was a high turnover rate among screeners, which is not surprising given that their annual base rate was appalling — \$14,400 per year.

Honourable senators, I am afraid that what I have presented to you so far today does not fully explore even a few of the problems plaguing air travel in Canada. I have only touched the tip of the iceberg, but I believe I have expressed some of the pressing concerns. Now it is in our hands. We must work to improve the situation for all regions of the country. That is our mandate, honourable senators. We must act quickly.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): I would hope that by the time we return in February the surcharge on security will have been abolished by this government.

On motion of Senator Comeau, debate adjourned.

FOREIGN POLICY ON MIDDLE EAST

INQUIRY—DEBATE ADJOURNED

Hon. Marcel Prud'homme rose pursuant to notice of December 10, 2002:

That he will call the attention of the Senate to Canadian foreign policy on the Middle East.

He said: Honourable senators, allow me to say that the Senate had good representation at the funeral of Senator Molson. We just came back from that memorial service.

I regret I was not here today to ask supplementary questions on the question of the Hezbollah, because I am sure the government has made a mistake.

We are still allowed to say "Christmas," even though in Quebec it is now forbidden to sing *Adestes Fideles* and holy songs and Christmas songs, as of today. I violently object to that. This is a crime against tradition and a crime against what I stand for.

In deference His Honour, and to all honourable senators, allow me to say something that is dear to me — Merry Christmas — which is something we wish for every nationality and for every member of every religion of this great country.

I would ask that this motion remain standing in my name. I thank His Honour for his great patience. I certainly do not want to make my speech today. I will do it in due time.

On motion of Senator Prud'homme, debate adjourned.

[Translation]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, February 4, 2003, at 2:00 p.m.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

[English]

BUSINESS OF THE SENATE

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, before we adjourn this evening, I should like to wish each and every one of you a happy holiday season. Merry Christmas to those of you who are members of the Christian faith; holiday wishes to those who are not.

I extend those wishes to our entire Senate family, that is, everyone who works with us, many of whom are out there celebrating, and who we will join in just a moment. The overall sentiment of our season should be peace, love and joy.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, as a lazy Supreme Court justice notorious for not writing opinions would say, "I concur."

The Senate adjourned until Tuesday, February 4, 2003, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(2nd Session, 37th Parliament)
Thursday, December 12, 2002

GOVERNMENT BILLS
(SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties.	02/10/02	02/10/23	Banking, Trade and Commerce	02/10/24	0	02/10/30	02/12/12	24/02

GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-4	An Act to amend the Nuclear Safety and Control Act	02/12/10	02/12/12	Energy, the Environment and Natural Resources					
C-5	An Act respecting the protection of wildlife species at risk in Canada	02/10/10	02/10/22	Energy, the Environment and Natural Resources	02/12/04	0	02/12/12	02/12/12	29/02
C-8	An Act to protect human health and safety and the environment by regulating products used for the control of pests	02/10/10	02/10/23	Social Affairs, Science and Technology	02/12/10	0	02/12/12	02/12/12	28/02
C-10	An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act	02/10/10	02/11/20	Legal and Constitutional Affairs	02/11/28	divided			
C-10A	An Act to amend the Criminal Code (firearms) and the Firearms Act	-	-	Legal and Constitutional Affairs	02/11/28	0	02/12/03		
C-10B	An Act to amend the Criminal Code (cruelty to animals)	-	-	Legal and Constitutional Affairs					
C-11	An Act to amend the Copyright Act	02/10/10	02/10/30	Social Affairs, Science and Technology	02/12/05	0	02/12/09	02/12/12	26/02
C-12	An Act to promote physical activity and sport	02/10/10	02/10/23	Social Affairs, Science and Technology	02/11/21	0 + 1 at 3 rd 02/12/04			
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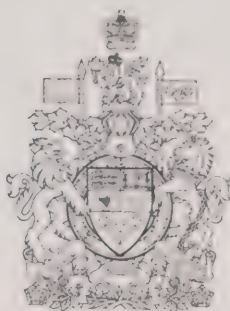
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CANADA

Debates of the Senate

2nd SESSION

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37th PARLIAMENT

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VOLUME 140

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NUMBER 31

OFFICIAL REPORT
(HANSARD)

Tuesday, February 4, 2003

—◆—
**THE HONOURABLE DAN HAYS
SPEAKER**

This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.



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THE SENATE

Tuesday, February 4, 2003

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

NEW SENATORS

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that the Clerk has received certificates from the Registrar General of Canada showing that the following persons, respectively, have been summoned to the Senate:

Maria Chaput
Pana Papas Merchant
Pierrette Ringuette-Maltais

INTRODUCTION

The Hon. the Speaker having informed the Senate that there were senators without, waiting to be introduced:

The following honourable senators were introduced; presented Her Majesty's writs of summons; took the oath prescribed by law, which was administered by the Clerk; and were seated:

Hon. Maria Chaput, of Sainte-Anne, Manitoba, introduced between Hon. Sharon Carstairs, P.C., and Hon. Richard H. Kroft;

Hon. Pana Papas Merchant, of Regina, Saskatchewan, introduced between Hon. Sharon Carstairs, P.C., and Hon. Jack Wiebe; and

Hon. Pierrette Ringuette-Maltais, of Edmundston, New Brunswick, introduced between Hon. Sharon Carstairs, P.C., and Hon. Fernand Robichaud, P.C.

The Hon. the Speaker informed the Senate that each of the honourable senators named above had made and subscribed the declaration of qualification required by the Constitution Act, 1867, in the presence of the Clerk of the Senate, the Commissioner appointed to receive and witness the said declaration.

• (1420)

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I am delighted this afternoon to welcome the Honourable Maria Chaput, the Honourable Pana Merchant and the Honourable Pierrette Ringuette-Maltais as members of the Senate. I am fortunate to count each of them as a friend and have admired their many personal and professional accomplishments.

[Translation]

The Honourable Maria Chaput is the first Franco-Manitoban to sit in the Senate. Senator Chaput used her business skills to promote the economic development of her province.

The efforts she made on behalf of the Franco-Manitoban community over several decades have earned her the respect and recognition of her fellow citizens in Manitoba.

The work that Senator Chaput did, especially for the Société franco-manitobaine, the Fédération des aînés franco-manitobains, and the Division scolaire manitobaine, was extremely valuable to the Francophone community in Manitoba.

[English]

Senator Merchant has worked on behalf of many Liberal causes for many years, but the dedication that she and her entire family have shown to the people of Saskatchewan is so evident that on her appointment Senator Merchant received accolades from representatives of every political party in her home province. Of course, this is a very special time for me because her mother-in-law, Sally, who has contributed much to the country, is sitting in the gallery today. My oldest friend, Adrian Merchant Macdonald, is also there. She is my oldest friend because we were born in the same hospital in the same city, delivered by the same doctor in the same week. Those who have known us must wonder why the entire nursery was not reorganized by the time we left.

She has volunteered, and I am referring to our new senator, with many organizations in Saskatchewan, particularly in the health care field, as well as with Canadian Parents for French and the MacKenzie Art Gallery. She is the second woman to represent Saskatchewan in the Senate. We are fortunate to be able to benefit from her talent and her desire to serve her fellow Canadians.

[Translation]

The Honourable Pierrette Ringuette-Maltais represented New Brunswick residents in the Legislative Assembly in her province and in the House of Commons.

[English]

While at the other place, Senator Ringuette-Maltais was a founding member of the True Grit Band, and I think there are a few of her fellow players in the gallery. I am sure she would be happy to share her talent with the Singing Senators.

Senator Ringuette-Maltais has worked at the Canada Post Corporation on trade missions overseas to assist foreign postal administrations and to promote Canadian expertise. She studied at the University of Moncton and Laval University, completing a course toward a master's degree in industrial relations. Senator Ringuette-Maltais also earned a master's in business administration at the University of Ottawa.

I hope all honourable senators will join me in welcoming these three exceptional women to the Senate of Canada.

Hon. Senators: Hear, hear!

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I am pleased to join with the Leader of the Government in welcoming our new colleagues, Senator Chaput, Senator Merchant and Senator Ringuette-Maltais and to wish them every success as they assume their new responsibilities, which will be enhanced by the strategic seating with which they have been favoured.

While the honourable leader has well summarized the impressive accomplishments of each of them, I cannot resist pointing out that they all have one thing in common, and something which will come as a great surprise, perhaps even as a shock to them, as it involved a precedent set by former Prime Minister Brian Mulroney.

On November 17, 1986, Prime Minister Brian Mulroney filled all three vacancies in the Senate with women only, the first time this was ever done. This place has greatly benefited ever since from the significant commitment and contributions made by Senators Cochrane, Rossiter and Spivak.

Prime Minister Chrétien, who since the 1993 election has displayed remarkable support for many of the Mulroney government's policies, practices and accomplishments, is to be commended for recognizing and following yet another.

• (1430)

This is the second time he has done so, for eight years after Prime Minister Mulroney set the precedent, Prime Minister Chrétien named Senators Bacon, Carstairs and Pearson to fill three vacancies, and, eight years later, we have three women filling the vacancies available.

[Translation]

Our new colleagues, like those I have just mentioned, will live up to the challenge that awaits them. We wish them the very best.

Hon. Marcel Prud'homme: Honourable Senators, if only to reaffirm the role that individual senators can play, I would like to join in the praises that our colleagues have just made. I have the privilege and pleasure of knowing two of the three new senators personally. I hope to become very good friends with Senator Chaput.

[English]

As a reminder, I had the honour of campaigning for a fabulous woman in Saskatchewan. That shows how far back I go and how close I am to the door, but I think she is in the gallery and I should like to take this opportunity to salute her. I campaigned as a young Liberal member of the House of Commons, the only federal Liberal under Prime Minister Pearson acceptable to Mr. Ross Thatcher. I am referring to the honourable senator's

mother-in-law, Ms. Sally Merchant, who was a minister and a member of the government of Mr. Thatcher. That does not make us young, but I am very happy to see the honourable senator here.

Knowing that she is a very proud member of a community for which I have great affinity, being an honorary Greek citizen, I hope the honourable senator, who is fluent in English, Greek and French, will help me polish my Greek. I say welcome.

[Translation]

I am very pleased, because Senator Ringuette-Maltais will bring a lot of charm and vivacity to this Senate.

[English]

I hope my friend, Jean Chrétien, as I still refer to him because I am not shy, will imitate another friend, Brian Mulroney. I have no hesitation in saying that Mr. Mulroney is a good friend — I know it is a sin for some to say that, but not for me. The honourable senator may remember a famous debate in which Mr. Mulroney said to Mr. Turner, another fine gentleman, whom I have known for 40 years, "Sir, you had the option. You could say no." We know it is difficult to elect women, but with the Senate the Prime Minister of Canada has the option. What is his option? It is to ensure that we have an equal number of men and women in the Senate. That has been my dream, and I have made that representation to him. We are on our way to that goal. There are now 33 women in the Senate. There are seven vacancies now, plus two this year and ten next year. We will achieve, at long last, total absolute equality, and I think Jean Chrétien could show the way by doing so, even though Brian Mulroney appointed one senator more than Mr. Trudeau. Honourable senators will remember that it took a long time to arrive at this number today.

I welcome the new senators.

Hon. Herbert O. Sparrow: Honourable senators, I in turn wish to welcome our new senators today and tell them how pleased I am with all of the appointments. I wish to tell our new colleagues that they have joined an institution that will give them the opportunity to do great things for their province and their country. I believe they knew that when they accepted their appointments. No other institution, where the ability to do good for your country, exists, outside the Senate.

I welcome you all, and I particularly welcome Senator Merchant from Saskatchewan, for whom I am particularly pleased. I have not met the other honourable senators, but I hope to do so later this day. I look forward to the opportunity to work with Senator Merchant, and I welcome her family members to this chamber this afternoon.

SENATORS' STATEMENTS

ALBERTA

CALGARY—LOSS OF STUDENTS OF STRATHCONA-TWEEDSMUIR SCHOOL IN AVALANCHE

Hon. Joyce Fairbairn: Honourable senators, it is with profound sadness that I rise today to pay tribute to the memory of the seven young Alberta students who lost their lives doing what they loved to do in a place they loved to be — skiing in one of the most beautiful areas of the Rocky Mountains, Glacier National Park, down on the southern border of Alberta and British Columbia: Ben Albert, Danielle Arato, Scott Broshko, Alex Patillo, Michael Shaw, Marissa Staddon and Jeffrey Trickett.

Along with seven other students and three adults, these young people set out on a glorious adventure on Saturday to engage in an outdoors event that was part of their mountain leadership course at Strathcona-Tweedsmuir School, just outside of Calgary. They were skilled, they were experienced and they were aware of the risks that always exist in these regions. In spite of all the expertise available, avalanches have a life of their own. It is a part of nature that seems to defy human calculation.

Seven adults also lost their lives in a similar accident recently in an area close to the scene of the weekend tragedy.

Investigations are underway. Canadians are demanding greater diligence and expertise from governments, scientists, environmentalists and organizations whose responsibilities touch on mountain, back-country ski and sport areas. This is already taking place.

Today, I simply ask all honourable senators to offer their prayers, sympathy and support to the families of the young people who have lost their lives, those who survived the avalanche, and the students and the staff whose hearts have been broken by the events of the weekend.

With the departure of these remarkable young people, Canada also mourns the loss of part of its future.

Hon. Dan Hays: Honourable senators, as Senator Fairbairn has observed, a tragedy has befallen the Strathcona-Tweedsmuir School located between Okotoks and Calgary. I wish to add my voice to the chorus of all those who mourn the lives of the seven Grade 10 students who were swept away by that avalanche this past weekend in British Columbia's Glacier National Park. The students, each one of them exceptional, were taking part in a mountain leadership course, having trained rigorously for several months before setting out to face the challenges of the mountain. As we now know, as they undertook their final expedition through Connaught Creek Valley near Rogers Pass, they displayed the energy, courage and enthusiasm, so typical of their youth, for which they will be remembered and which makes their passing all the more tragic.

As an Albertan and former student at Strathcona School, I am particularly saddened by this event and wish to convey heartfelt condolences to the parents, friends, classmates and teachers of the students that were named by Senator Fairbairn.

• (1440)

As we mourn their passing, we also celebrate the courage and heroic efforts of the rescue workers who managed to save the lives of ten other people buried in the avalanche. More than 35 individuals, including park wardens, skiers and members of the Canadian Armed Forces, took part in the mission. Their dedication deserves our most sincere praise and our lasting admiration.

Though no sadness can be deeper than the one brought about by the death of a child, we find solace in celebrating the talent, courage and enthusiasm displayed by these students throughout their all-too brief lives. We hope that somehow their passing will prevent such tragedies in the future.

[Translation]

THE LATE MS. FRANÇOISE GIROUD

TRIBUTES

Hon. Lise Bacon: Honourable senators, I wish to pay tribute to an extraordinary woman who left us on January 19. I am speaking of Françoise Giroud, the leading light of journalism in France, who left us at the age of 86. This woman of character symbolized, especially in French-speaking countries, women's aspirations to take their rightful place in society.

I am saddened by the passing of this great intellectual. Twice, as a member of the Quebec government, I had the opportunity to meet her. She impressed me with her kindness, her great intelligence and her warm voice. Françoise Giroud personified perseverance and the determination to succeed in a man's world.

Born in 1916 to a family of Russian and Turkish origin, she left school at age fourteen and a half, following her father's death. At sixteen, she started out as a shorthand typist and then became a movie script girl. It was during the Liberation, after World War II, that she started her career as a journalist for *Elle* magazine, where she rapidly became editor-in-chief. In 1953, with Jean-Jacques Servan-Schreiber, she founded *L'Express*, where she was editor-in-chief for twenty years.

In 1974, she tried her hand at politics and was made the Secretary of State responsible for the Status of Women. She wrote about her experience with power in her book *La comédie du pouvoir*, in which she gives a caustic account of men and their exercise of power.

She said:

As soon as a woman crosses into a man's world, the nature of professional combat changes. With regard to the virtues required of a woman as a result, how many men would be capable of showing them...

She was an activist, a feminist, but not vengeful or obsessed with doctrine. She knew that nothing in life is ever free, ever easy. From nothing, one had to succeed to survive.

When she died, Françoise Giroud was still a very active contributor to the *Nouvel Observateur*, commenting on the world of television. She recently wrote about the future of digital technology. She had not lost her passion for writing about the world and observing its evolution. She wanted to remain vigilant. She had a habit of saying that "intelligence is nothing without courage." For her, the struggle of women for equality was one that was carried out every day and everywhere.

Honourable senators, I salute Françoise Giroud, a woman of courage and conviction. Writer, minister, journalist, woman committed to important issues in society, she never lacked in energy to defend her causes. She encouraged women to have confidence in themselves, to strive for more. She was, for me and many other women, a veritable source of inspiration.

Thank you, Madame Giroud!

Hon. Lucie Pépin: Honourable senators, as Senator Bacon mentioned, on January 19, at the age of 86, feminist luminary Françoise Giroud passed away in Paris. The international French-speaking community lost one of its leading lights.

Today I pay tribute to Françoise Giroud for her life of activism that was recognized and appreciated around the world. I simply had to pay my respects to her, because she was a role model and tireless source of inspiration to many feminists.

This exceptional woman left her mark on our times and inspired many women of my generation, including several women sitting here today in this very chamber. Through her work as a journalist and writer, and through her ministerial duties, she contributed to transforming the conscience and daily lives of her peers.

She was a natural. She was one of those people who were born to make things happen.

Throughout her lifetime, this dedicated, fascinating and engaging woman worked to prove that being born a woman was not a curse.

Françoise Giroud managed to do so in a manner that was committed and generous. While her politics leaned left, she nevertheless served under right-wing governments as minister of the status of women. For her, it was a way to implement her feminist ideas and do her share for the feminist movement that was sweeping the world. When criticized for this choice, she responded, unfazed: "Feminism, as far as I know, is not about the right or the left." For the President at the time, Valéry Giscard d'Estaing, Françoise Giroud "flung the doors of life in France wide open to the role of women."

Although she was very committed, the feminism promoted by Françoise Giroud was nonetheless open. It was without hate or bitterness. She always said, boy or girl, man or woman, there are only individuals who are dependable or not.

There was a time when the path for women was riddled with obstacles. Françoise Giroud was among those who greatly contributed to clearing the way. In the special issue of the magazine *L'Express*, we find the following:

Women everywhere have lost something. Ms. Giroud defended them so intelligently and strongly.

It is to this example for women, and simply for humanity, that I wanted to pay tribute. She has left us, but her ideal and her heritage will inspire us for a long time to come.

[English]

JUSTICE

RACIAL PROFILING

Hon. Donald H. Oliver: Honourable senators, I have called your attention to the problem of racial profiling in this chamber before and, sadly, racial profiling is still being employed in our country.

Senior Ontario Crown Prosecutor James Stewart recently determined that racial profiling was a factor in a case involving DeCovan Brown. In that case, the former Toronto Raptor appealed his 2001 impaired driving conviction on the grounds that the police stopped him because he was a Black man driving an expensive vehicle. During the hearing in the *Brown* case, Stewart said:

I am not disputing the existence of racial profiling by the police. This is a problem that warrants corrective action.

Immediately after the hearing, Julian Falconer, a lawyer for the Urban Alliance for Racial Relations, made the following statement:

This concession by the Ontario government is a monumental development in the effort by racial minorities across the country to have racial profiling recognized and to put an end to mindless navel-gazing. The days are now gone where abject denials drive the debate.

Racial profiling is used at our airports as well. Dr. George Elliot Clarke, an Associate Professor at the University of Toronto and recipient of the 2001 Governor General's Literary Award for Poetry, is an African-Canadian from Nova Scotia who travels regularly on business. In September 2002, Dr. Clarke flew between Toronto, Ottawa and Edmonton on three separate occasions. Each time he was subjected to random security checks that went beyond the normal procedure of scanning carry-on luggage and walking through the metal detector. When he suggested to security officials that they might be engaging in racial profiling, they responded vehemently and strongly.

When the Anti-terrorism Act, Bill C-36, was passed on December 18, 2001, many Canadians felt that racial profiling, which had occurred frequently in the past, would increase. In light of the experiences of Mr. Brown and Dr. Clarke, it appears that their fears are not unfounded.

Honourable senators, this is Black History Month, which affords us a perfect opportunity to begin the process of ending racial profiling in Canada. By studying the achievements made by visible minorities in our country, we will foster better understanding and appreciation for the diversity we enjoy in our great nation. I encourage every senator to promote the study and teaching of Black history to help eliminate racial profiling and racism in our country.

[Translation]

ROUTINE PROCEEDINGS

PRIVACY COMMISSIONER

2002 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table the report of the Privacy Commissioner for the year ending March 31, 2002, pursuant to the Privacy Act.

[English]

LIBRARY OF PARLIAMENT

2002 PERFORMANCE REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table the performance report of the Library of Parliament for the fiscal year ended March 31, 2002.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

EIGHTH REPORT OF COMMITTEE PRESENTED

Hon. Lise Bacon, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Tuesday, February 4, 2003

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

EIGHTH REPORT

Your Committee recommends the adoption of Supplementary Estimates (B) of \$639,000 for the fiscal year 2002-2003.

These Supplementary Estimates are needed to meet the following requirements:

- 1) to meet the Senate's 30 per cent share of additional funding requested by the Joint Inter-Parliamentary Council;

- 2) to provide the necessary funds required for the increased expenditures of the Office and Research Expenses Budget.

Respectfully submitted,

LISE BACON
Chair

The Hon. the Speaker: Honourable senators, when shall his report be taken into consideration?

On motion of Senator Bacon, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1450)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

SEVENTH REPORT OF COMMITTEE PRESENTED

Hon. Lorna Milne, Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Tuesday, February 4, 2003

The Standing Committee on Rules, Procedures and the Rights of Parliament has the honour to present its

SEVENTH REPORT

1. On October 31, 2002, the Senate referred to your Committee the recommendations and proposed rules contained in the Fourteenth Report of the Standing Committee on Rules, Procedures and the Rights of Parliament presented to the Senate in the First Session of the 37th Parliament on June 11, 2002. Included in this order of reference was a proposal for a procedure to enable the Senate, following its approval of a report submitted by a select committee, to refer that report to the Government with a request for a comprehensive government response within 150 calendar days.
2. Subsequently, on November 5, 2002, the Senate agreed to refer the following motion of Senator Jane Cordy to your Committee:

That within 150 days, the Leader of the Government shall provide the Senate with a comprehensive government response to the report of the Standing Committee on National Security and Defence entitled *Defence of North America: A Canadian Responsibility* tabled on August 30, 2002.

3. As noted above, your Committee dealt with this issue in its Fourteenth Report in the previous Session, entitled *Modernizing The Senate From Within: Updating The Senate Committee Structure: Issues Raised by Individual Senators*. On May 17, 2001, the Senate had referred to your Committee a motion by Senator Gauthier, as amended by Senator Lynch-Staunton, that would have amended the *Rules of the Senate* to enable the

[Senator Oliver]

Senate, after approving a report submitted by a standing committee, to refer that report to the Government with a request for a comprehensive response by the Minister within 90 days. The purpose of the motion was to equip the Senate with a procedure, comparable to that employed by the House of Commons, which would enhance its capacity to obtain a clear and public reaction from Governments to policy studies and recommendations developed by committees. Your Committee's Fourteenth Report, which was presented to the Senate on June 11, 2002, was not adopted by the Senate prior to the prorogation of the Session on September 16, 2002.

4. In the course of their deliberations, members of your Committee agreed that the work of the Senate was potentially undermined by the lack of any formal means of seeking a response from the Government to policy studies, and also agreed that this problem feeds a widespread perception in the media that such studies simply gather dust after they are tabled in the Senate Chamber.
5. Senate studies frequently contribute to the broad processes of debate and public policy formation by virtue of the strength of their findings and recommendations. However, the absence of tangible evidence of Government attention implies indifference to Parliament, and to the citizens it represents, that is unacceptable in a democratic system of government. As well, it impedes the capacity of committees to follow up on their work by assessing its impacts; threatens to undermine committee effectiveness by discouraging expert witnesses and Senators from making the necessary investments of time and effort; and fosters the impression that the public funds required for committee studies are not producing results.
6. Your Committee has considered practices established in the House of Commons and other jurisdictions, involving a procedural entitlement of committees to a formal Government response to their reports within a specified period of time. Although the quality of the responses provided by Governments varies considerably (and also varies among Ministers within governments), a formal response at least provides committees and the witnesses that have appeared before them with a tangible indication that reports have been given serious attention. Responses can also provide an initial focus for follow-up study.
7. While the Senate may request a Minister to appear before itself or its Committees, the Senate has no easy means to compel a minister of the Crown to respond to its reports. However, your Committee believes that the political pressures that would be associated with a public request for a response would normally be sufficient to ensure action from ministers, especially if the request is made on a committee's behalf by the Senate as a whole, and the time period is consistent with that employed by the House of Commons — 150 calendar days.

8. The proposed procedure would allow the Senate, following its approval of a report submitted by a committee, to refer that report to the Government with a request for a complete and detailed government response within 150 calendar days. The Leader of the Government in the Senate would be required to either table the Government's response within the 150-day period or provide the Senate with an explanation for the absence of such a response. Upon tabling of the response of the Government, it and the report would be referred back to the committee for review; where no response was received within the 150-day period, the report would be deemed to have been referred back to the committee. It will, of course, be up to the committee to decide whether to pursue the matter. In the absence of a response, the committee could decide to call the relevant Minister or Ministers to review the matter. As in all cases where the Senate decides to invoke a procedure, it should be prepared to follow through, should its resolution be ignored.

9. Committees are created by and subordinate to the Senate, and they report to the chamber. In the case of committee reports that are tabled, rather than presented, no further action is required, although it is always open to the Senate to adopt such a report. The Senate may adopt all or any part of the report, and may make amendments to it. Several members of your Committee pointed out that reports are often the result of lengthy negotiation and compromise, and should not be divided or amended without the input of the committee tabling it. It is always open to the Senate to send a report back to a committee for reconsideration (although this is more difficult in the case of a special committee which has ceased to exist). Your Committee assumes that this proposal would be made in appropriate cases.

10. Your Committee wishes to note that the proposed procedure allows the Senate, not an individual committee, to request a government response. The 150-day time period runs only from when the request is passed by the Senate, not from when the report was tabled in the Senate. Moreover, it will be available only where the Senate had adopted a report from a select committee.

Your Committee recommends that the *Rules of the Senate* be amended as follows:

(a) by renumbering rule 131 as 131(1); and

(b) by adding after subsection 131(1) the following:

“Request for Government response

(2) The Senate may request that the Government provide a complete and detailed response to a report of a select Committee, which has been adopted by the Senate if either the report or the motion adopting the report contains such a request, or if a motion to that effect is adopted subsequent to the adoption of a report.

(3) Upon adoption of a report or motion pursuant to subsection (2), the Clerk shall communicate the request to the Government Leader who shall, within one hundred and fifty calendar days after the adoption of the report or motion, either table the Government's response or give an explanation for not doing so in the Senate.

(4) Where the Senate adopts a report or a motion pursuant to subsection (2), the report of the select committee and the response of the Government or the explanation of the Government Leader for the absence of a response, or the absence of such response or explanation, are deemed to be referred to the select committee one hundred and fifty calendar days after the adoption of the report."

Respectfully submitted,

LORNA MILNE
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Milne, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

STUDY ON NEED FOR NATIONAL SECURITY POLICY

INTERIM REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE TABLED

Hon. Colin Kenny: Honourable senators, pursuant to the order of the Senate adopted on Wednesday, October 30, 2002, I have the pleasure to inform the Senate that on Tuesday, January 21, 2003, the fifth report of the Standing Senate Committee on National Security and Defence was deposited with the Clerk of the Senate. That report, entitled "The Myth of Security at Canada's Airports," is an interim report on the study on the need for national security policy for Canada.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Kenny, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

CANADIAN NATO PARLIAMENTARY ASSOCIATION

FORTY-EIGHTH ANNUAL SESSION OF NATO PARLIAMENTARY ASSEMBLY, NOVEMBER 15-19, 2002—REPORT TABLED

Hon. Pierre Claude Nolin: Honourable senators, I have the honour to table the report of the Canadian NATO Parliamentary Association. This is the report of the official delegation that represented Canada at the Forty-Eighth Annual Session of the NATO Parliamentary Assembly, held in Istanbul, Turkey, November 15-19, 2002.

[English]

QUESTION PERIOD

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— WITHDRAWAL OF EUROCOPTER FROM COMPETITION

Hon. J. Michael Forrestall: Honourable senators, my question is directed to the Leader of the Government in the Senate. It will come as no surprise to her, having let her off the hook for some months now, that my inquiries will be directed toward the purchase of a replacement helicopter for the Sea King.

Perhaps the honourable senator will remember that Eurocopter withdrew the Cougar MK2 from the maritime helicopter project last winter. At the time, Eurocopter complained that the specifications set by the Department of National Defence were too high and that, as such, could not compete. At the time, Eurocopter also threatened the withdrawal of the NH-90.

Can the minister tell us if she recalls these events and whether the Canadian government has approached Eurocopter for the readmittance of the Cougar Mach 2 into the maritime helicopter project competition?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is still the intention of the government to get the right aircraft, and as soon as possible. I can also assure the honourable senator that the government is continuing with its policy of the lowest-cost compliant. Perhaps the most important point to relay to Senator Forrestall is that the government has not and will not modify the statement of operational requirements. Those requirements are based on military analysis, extensive statistical research and realistic force planning scenarios based on actual Canadian Forces operations.

Senator Forrestall: Honourable senators, the principal reason for the withdrawal of the Cougar was, of course, Eurocopter's inability to meet those standards. I can now rest assured that the Cougars will not be back in the competition.

In light of that, can the Leader of the Government in the Senate tell us why a Department of National Defence team showed up in France in January to review competing aircraft for the Sea King replacement and was asked to review the Cougar Mach 2 that had allegedly been withdrawn from the competition? Why did they go back to it?

Senator Carstairs: Honourable senators, I cannot answer exactly why we went back to France at that particular time. If that information can be made available, I shall make it available to the honourable senator. However, I want to reinforce that the government has not and will not modify the statement of operational requirements.

Senator Forrestall: I join with all the men and women who have to serve in that piece of equipment, whichever one it is, in thanking you for that undertaking.

CITIZENSHIP AND IMMIGRATION

BACKLOG OF REFUGEE CLAIMS

Hon. Donald H. Oliver: Honourable senators, my question is directed to the Leader of the Government in the Senate and deals with the Department of Citizenship and Immigration.

Canada's Refugee Board is currently dealing with the biggest caseload in its history. At the end of last year, 53,000 claims were still in the pipeline, up from 46,000 the previous year. This rise comes despite the fact that the actual number of refugee claims made last year was fewer than the year before. It has instead been attributed to the fact that the average hearing now takes 13 months to complete, meaning that cases carry over from year to year. Also, in November of last year, the huge backlog in the processing of immigration claims of spouses of Canadian citizens was brought to the attention of the Leader of the Government in the Senate.

Honourable senators, it would appear that the heavy caseload of the Department of Citizenship and Immigration might be alleviated with the help of additional staff. In November of last year, the Leader of the Government in the Senate said that additional resources have been given to Immigration to meet those backlogs.

• (1500)

If the Department of Immigration was allocated additional resources last fall, then why has the number of cases currently being heard not decreased? What additional resources were allocated and at what cost, and was a cost-benefit study done of them?

Hon. Sharon Carstairs (Leader of the Government): The honourable senator has indicated that they were given additional resources and, indeed, they were. However, the reality is that people need to be trained appropriately to deal with such cases. That training is ongoing at the present time.

The honourable senator is quite correct that there is a huge backlog, but it is being whittled away. The reality is that there are a great many people who want to get into this country. There are a great many refugees. Most important, we have had to do a stop plan for some of them because of the tremendous pressures on our borders, not entirely because of what is going on in the world today.

[Translation]

OFFICIAL LANGUAGES

NORTHWEST TERRITORIES ACT

Hon. Jean-Robert Gauthier: Honourable senators, the Fédération franco-ténoise, an association of Francophones living in the Northwest Territories, has appealed to the Supreme Court of the Northwest Territories for a determination that the language regime put in place by the Government of the Northwest Territories is not equivalent to or in compliance with the federal regime as required by the Northwest Territories Act, that the Government of Canada has linguistic responsibilities and

has not met its obligations under sections 16, 18 and 20 of the Charter and the unwritten principle of protection for minorities; and finally that the federal government has been remiss in its section 41 obligations under the Official Languages Act in that, even now, 15 years after the act was passed in 1988, no enabling regulations have been adopted by Parliament concerning section 41 of the Official Languages Act of Canada.

A parliamentary committee of the NWT Legislative Assembly has proposed legislative, regulatory and administrative improvements to the act. These are to be tabled in early March 2003.

Can the minister inquire of her cabinet colleagues and indicate to us whether the federal government intends to evaluate the bill of the Government of the Northwest Territories in order to ensure that its objectives are similar to those of the Official Languages Act?

Will the Parliament of Canada have the possibility of reviewing the bill and making recommendations, as needed, to the Government of the Northwest Territories?

[English]

Senator Carstairs (Leader of the Government): As the honourable senator knows, as he is probably more knowledgeable than anyone with regard to official languages in this country, the Northwest Territories' Official Languages Act falls under the jurisdiction of the territory. The territorial government, therefore, has the responsibility to determine its orientations and proposed legislative amendments, as required. The Government of Canada will not interfere in that particular direction.

However, there is a special relationship, of which I am sure the honourable senator is also aware, with regard to the Northwest Territories' Official Languages Act, in that the act can only be repealed if the Parliament of Canada gives it effect. However, it is well within the authority of the Northwest Territories to add additional principles, if it wishes.

[Translation]

Senator Gauthier: Section 43.1 of the Northwest Territories Act stipulates that the Northwest Territories Official Language Act cannot be amended or repealed, except with the concurrence of the Parliament of Canada.

Does the federal government intend to present recommendations in order to amend the Official Languages Act of the Northwest Territories before the proposed amendments are enacted by the Legislative Assembly of the Northwest Territories, as provided for in the act?

[English]

Senator Carstairs: Honourable senators, my understanding is that the Northwest Territories can amend its law, but it cannot repeal the law without permission of Parliament. I see the honourable senator nodding his head in the negative. Therefore, I will make further inquiries as to the exact position on this matter.

[Translation]

Hon. Gérard-A. Beaudoin: Honourable senators, I believe the Constitution is very clear: the territories have powers delegated by the Parliament of Canada. The provinces have powers that are directly attributed by the Constitution. It is very clear.

In my opinion, section 16 of the Charter of Rights and Freedoms clearly states that French and English are the official languages of Canada and have equal status in terms of their use in the institutions of Parliament. The three territories are institutions created by the Parliament of Canada. As a result, does it not follow that the equality of the official languages must be upheld in the territories, including the Northwest Territories? Is it the intention of the government — and I hope it is — to ensure that bilingualism becomes a reality in the Northwest Territories? The heart of the Constitution says so.

[English]

Senator Carstairs: Honourable senators, I must tell the honourable senator that the information that I have is somewhat different from the information that he has presented today.

The information that I have is that the Northwest Territories' Official Language Act falls under the jurisdiction of the territory. The territorial government, therefore, has the responsibility to determine its orientations and proposed legislative requirements and amendments, as required. The Government of Canada will not, nor does it propose to, interfere with that process. However, as I stated to the Honourable Senator Gauthier, there is a special status in that if the Commissioner and Council of the Northwest Territories try to repeal, they can only do so if Parliament gives its agreement to that effect.

[Translation]

Senator Beaudoin: I would like to add that everything the territories are given — this is extremely important — comes from delegated federal legislation. Parliament — in granting rights to the territories, which it does — is required to carry out section 16 of the Charter of Rights and Freedoms. Section 16 of the Charter of Rights and Freedoms mentions the equality of status of the official languages in the institutions of Parliament.

As far as can I see, it is quite clear that a federal territory is a federal institution, created by a statute. I shall allow the minister to answer, but legally, it seems quite clear to me.

[English]

INTERNATIONAL TRADE

UNITED STATES—RENEWAL OF SOFTWOOD LUMBER AGREEMENT

Hon. Gerry St. Germain: Honourable senators, my question is to the Leader of the Government in the Senate. It relates to the issue of softwood lumber.

British Columbians and all Canadians are trying to establish where the Minister of Trade is on this issue. I am checking the accuracy of this now. Apparently, on this week's trip to

Washington, he delivered a vague position on softwood lumber. Last week, he said that his trip was not about softwood lumber. Two days later, he reversed himself by saying that he was going to Washington for the softwood meetings.

Could the honourable leader elaborate on the position of these softwood discussions, which are imperative to the economic needs of all Canadians?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I can tell the honourable senator that the softwood lumber negotiations that were stalled for a number of weeks have been revved up and are ongoing in Washington as the Senate is sitting this afternoon.

Senator St. Germain: They were stalled and have been revved up. I do not know who is revving them up, whether it is the Americans or not.

The minister clearly stated that he was relying on the WTO's findings in regard to the outcome of this matter. Now, apparently, the position has changed and the minister is even entertaining an export tax. Could the government leader clarify the government's position on this matter at this particular moment?

Senator Carstairs: Honourable senators, let me begin with the latter part of the honourable senator's question. A border tax has been suggested, but not by the Government of Canada. It has been suggested by Weyerhaeuser, which is a big player in the lumber business. The government will examine that proposal, but it is far more interested in a long-term, policy-based solution. That has been its position all along.

• (1510)

I refute what the honourable senator said with respect to the minister placing all his eggs, if you will, in the basket of the WTO. He has indicated all along that he will use WTO and NAFTA agreements in any way he can to prove the wrongness, quite frankly, of the American position. That has not prevented him, under any circumstance, from attending meetings, which is exactly why he is participating today.

Senator St. Germain: Honourable senators, basically, this can be viewed as a flip-flop. If one's position is adamant on the outcome of the WTO rulings, then one cannot try to make the American's believe that one is prepared to accept an export tax. Basically, an export tax would take control of the management of our resources, whereas most Canadians believe we should control our own destiny. British Columbians and others in the lumber industry see this as a capitulation, a flip-flop and a show of weakness to the Americans, who certainly have been aggressive. Senator Bacchus and another American senator have brought forward legislation that would double the tariff on lumber going into the United States at the present time.

Is there a clear and definitive path here, or are we only zigzagging through the trail of softwood lumber?

Senator Carstairs: Honourable senators, absolutely not. There is no flip-flop. The government has proceeded through the international agreements it has signed and which it would like the United States to respect. Therefore, it has gone through the WTO and the NAFTA process in the hope that we can come to a decision which, we believe, would clearly favour Canadian softwood lumber.

At the same time, we will not take the position that we will hide behind negotiations. If there is interest in discussions to solve this problem outside those two negotiated agreements, then, of course, we are willing to enter into such discussions.

However, the reality is that we are doing everything we can to ensure that decisions taken regarding the softwood lumber industry, which is located right across the country, although predominantly in the province which the honourable senator represents, are in the best interests of lumber producers and, more important, lumber workers.

[Translation]

SOLICITOR GENERAL

UNITED STATES DRUG ENFORCEMENT AGENCY— ILLEGAL ACTIVITIES IN CANADA

Hon. Pierre Claude Nolin: Honourable senators, my questions are directed to the Leader of the Government in the Senate and also concern Canada-United States relations.

On November 6, I asked a question about the *Licht* case heard by the Supreme Court of British Columbia. This is a case which shows how little respect the United States of America has for Canada's sovereignty. In August 1999, without the RCMP authorizing its action or operation, the Drug Enforcement Administration, commonly known as DEA, carried out an illegal sting operation in Canada, in violation of a bilateral agreement providing that each country was to give the other prior notice and obtain permission, prior permission that is, to carry out any such operation.

In response to my question, the Leader of the Government said that the Solicitor General of Canada was not prepared to comment on the reprehensible actions, as it were, of the DEA. She undertook, however, to obtain answers for me at the earliest possible opportunity concerning this, and I quote:

— issue of great import between the two nations.

It has now been three months since I asked this question, and I am still waiting for an answer. What is going on? In the post-September 11 context, are we afraid of the Americans? Are we afraid of their reaction? Does the fact that Senator Carstairs is not coming back with an answer reflect the inability of federal authorities to compel our main ally to respect Canada's sovereignty and laws or does it confirm her government's tacit support for the violation of the fundamental rights of individuals

living in Canada by DEA agents? To address the legitimate concerns of the members of this House and of Canadians, is the Leader of the Government finally prepared to state the position of her government on this very thorny issue?

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator has indicated, I did take that question as notice and, eventually, there will be a response. However, because of the intervention of the honourable senator today, I will try to obtain a response sooner since this is the second time the honourable senator has asked the question.

The Deputy Leader of the Government will be tabling some delayed answers today, as well as later this week. However, I do not recall that an answer to Senator Nolin's question is among them. Therefore, I will put in an extra call on that particular question to see if we cannot get an answer for the honourable senator quickly.

[Translation]

Senator Nolin: It is possible that the minister can get some information for her reply from her colleague, the Solicitor General of Canada. I will give her a few points to ponder.

This past November 22, the Solicitor General of Canada made a statement that was both surprising and alarming. In response to a question from a member in the other place, Peter Mackay, concerning the *Licht* affair, he stated as follows:

...if there is one thing we can be proud of, it is the intelligence work that CSIS does and the good cooperation it has with its American counterpart south of the border.

...we cooperate with other intelligence services around the world in the interests of the health and safety of Canadians and in the interests of national security.

I see the questioning look on the face of the Government Leader. When I read that comment by the minister, I was greatly troubled by a matter that concerns the RCMP and the minister, who is responsible for CSIS and the RCMP, which made reference to CSIS. Obviously, the Solicitor General of Canada, who is responsible for the RCMP, let us not forget, was not informed of the *Licht* affair! Although this statement is an embarrassment for Canadians, are we to conclude that it is a statement of the government's official position on this matter?

[English]

Senator Carstairs: Honourable senators, it will be obvious that I do not agree entirely with some of the statements made by those on the other side.

The Honourable Senator Nolin says that the honourable minister made comments about the fact that CSIS was working well with its partners south of the border on issues of security and intelligence. I think that is most important. It has become increasingly important since September 11.

What the honourable senator has addressed, however, is a specific issue, and one to which we clearly need an answer. Obviously, if these individuals were acting in an illegal way in Canada, we have to identify just how they broke the law and get to the bottom of the situation.

However, the two issues are not the same. The issues of security and intelligence post-September 11 are areas in which, I can assure the honourable senator, CSIS is working closely with our friends and neighbours to the south.

[Translation]

Senator Nolin: The Supreme Court of British Columbia, in a claim for extradition made by the Government of the United States, in *U.S.A. vs. Licht*, acknowledged — which is why the application was rejected — the illegality of the actions of the Government of the United States. It seems to me that taking three months to answer this question is excessive. The facts are known and the minister is very familiar with them. CSIS is not the one dealing with this, it is the RCMP. I am prepared to wait a little longer. It would appear that the leader does not have the information but, for heaven's sake, let her not tell me that her government does not have it either. It does.

[English]

Senator Carstairs: I cannot tell the honourable senators that the government does not have the information but I do not have the information. Therefore, I cannot share it with the honourable senator opposite. I will do everything I can to seek that information and to share it with the honourable senator.

UNITED NATIONS

POSSIBLE WAR WITH IRAQ

Hon. Douglas Roche: Honourable senators, my question is for the Leader of the Government in the Senate. Even at this late hour I dare to hope that the war against Iraq can be avoided, and I commend the efforts of the Government of Canada in this regard.

• (1520)

This is unquestionably the most serious foreign policy issue Canada has faced in decades, and every effort must be made to avoid war.

Has the government noted the statement last weekend by former United States President Jimmy Carter, recipient of the 2002 Nobel Peace Prize, wherein he urged the United States not to attack Iraq and stated that the U.S. has not made a case for a pre-emptive military strike against Iraq? Further, has the Government of Canada noted that President Carter called for a sustained and enlarged inspection team, even up to 1,000 inspectors, as a permanent, robust monitoring system until the United States and other members of the UN Security Council determine that its presence is no longer needed?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator knows, the position of the Government of Canada has been to support Resolution 1441 of

the United Nations. The honourable senator makes reference to statements made by the former president of the United States, Jimmy Carter; however, over the next 10 days other critical events are expected to unfold.

Tomorrow, we know that the Secretary of State for the United States, Mr. Colin Powell, will appear before the United Nations. It is expected that the Secretary of State will lay more evidence before the Security Council. That will happen, I understand, at 10:30 our time tomorrow morning. Following that, Secretary Powell will hold a news conference, around noon, with respect to information he has presented to the UN Security Council.

We have been told that Mr. Blix will be reporting, on behalf of those who are presently doing their best to uncover any weapons of mass destruction in Iraq, on February 14.

The Government of Canada will clearly continue in its support of Resolution 1441, and it will support the decisions of the United Nations Security Council.

THE SENATE

GOVERNMENT-SPONSORED DEBATE ON POSSIBLE WAR WITH IRAQ

Hon. Douglas Roche: I thank the minister for that.

Former President Carter anticipates that the Powell statement tomorrow will not provide a real or approximate threat by Iraq to the U.S. That brings us back to the imminence of the war.

Yesterday in the House of Commons, Foreign Affairs Minister Bill Graham, in answer to a question, said, in part, the following: "We are opposed to war, except as an absolutely last resort." Can the Leader of the Government in the Senate tell us what is meant by "absolutely last resort"? It is probably not easy for the minister to answer that question in a few words, which is why there should be a government-sponsored debate in the Senate on this subject.

As the honourable leader knows, I have a motion before the Senate on this subject. This is not a matter for any one senator. This is a crucial government matter. Will the minister cause there to be a special debate in the Senate on the Iraq situation?

Hon. Sharon Carstairs (Leader of the Government): The answer to the honourable senator's question is no. However, I would encourage every senator to participate in the motion that the honourable senator has laid before the Senate, which would give us adequate opportunity, I would hope, to put our views on the record in the same way that the House of Commons now has done in its Take Note Debate last week and which, I understand, it will do again, tomorrow.

Senator Roche: The minister said clearly that she would not cause a debate in the Senate. Would the minister state why the government will not take its responsibilities and, as such, introduce a motion that would open up a government-sponsored debate, not a debate by any one senator?

[Senator Carstairs]

Senator Carstairs: As the honourable senator well knows, nothing in the Senate is a debate by any one senator. The honourable senator's motion with respect to this subject is presently on the Order Paper. Quite frankly, it would take me some time to even put down a notice on this matter. If the honourable senator thinks there is urgency to this, then I would encourage him to encourage his fellow senators who agree with him to participate in the debate on his motion.

Hon. Marcel Prud'homme: Honourable senators, I have a supplementary question.

On January 22, 1991, in respect of the Persian Gulf crisis, the government of the day decided not only to hold a debate, but also that it would be a votable motion. The Liberal caucus, that morning decided to vote against Mr. Clark's motion. At the end of the day, some Liberal members switched and decided to vote in favour of the motion. I am one of 47 members who voted against the motion.

There was a very important discussion, and there was a vote.

If there is a place that should debate the issue, it is this place. I do not always agree with my colleague, but anyone can adjourn a debate after finishing speaking and then come back to it at a later time. If we were to have a full debate, then we would know exactly where we stand. I like to be counted. I am sure I am not speaking only for myself.

I would ask the Leader of the Government in the Senate to, at least, convey to the government that it would be the strong desire of some of us not only to debate the issue, but also to vote on it. If at the end of the day the Americans decide to go to war against Iraq, even though in doing so they may not have the support of the United Nations, and if the Canadian government decides to join in, as I feel they will —

Senator St. Germain: I hope so.

Senator Prud'homme: — we should debate and vote. My colleagues will vote against me, but that is why we are a democracy.

Senator Carstairs: With the greatest respect, the honourable senator raises a what-if issue. I do not think we should deal in hypothetical situations. I question whether a hypothetical debate adds in any way, shape or form to the debate that is taking place worldwide.

Senator Prud'homme: Good points.

Senator Carstairs: Senator Roche has a motion before the Senate. If Senator Prud'homme wishes to speak to that motion, there is nothing to prevent him from speaking to it when it is called on the Order Paper. That is true for every senator in the chamber. No one has been told not to debate that motion. I would hope that, if there is genuine interest, there would be an active and engaged debate on the subject.

[Translation]

DELAYED ANSWER TO ORAL QUESTIONS

The Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table a

response to a question raised by Senator Oliver regarding the Auditor General's report, Small Business Financing Program, cost-recovery rate on small business loans.

INDUSTRY

AUDITOR GENERAL'S REPORT—SMALL BUSINESS FINANCING PROGRAM—COST-RECOVERY RATE ON SMALL BUSINESS LOANS

(Response to question raised by Hon. Donald H. Oliver on October 8, 2002).

The January 2002 study, in question, was commissioned by Industry Canada to better understand the decline in use of Canada Small Business Financing (CSBF) loans during the past few years. In the study, lenders cited administrative burden as a factor in the declining use of the program since 1999. Industry Canada will be working with lenders to clarify the nature of their particular concerns regarding administrative burden as well as possible solutions.

The decline in use of the Program between 1999 and 2001 also coincided with good economic conditions and increased financial health of businesses and as such may not be viewed as a negative development. Under these conditions, small firms may not have had to borrow as much money or were in a position to qualify for non-CSBF loans. It is interesting to note that Canadian Federation of Independent Business (CFIB) surveys have found an overall declining trend in borrowing by SMEs in this period. Lenders have also cited competition from other financial products as a further factor behind decline in use of the Program. Industry Canada will continue to monitor this trend to determine what action, if any, to recommend in response.

RESPONSE TO ORDER PAPER QUESTION TABLED

SOLICITOR GENERAL—ANTI-TERRORISM ACT

The Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Question No. 6 on the Order Paper for September 20, 2002 relating to various clauses in Bill C-36 — Honourable Senator Lynch-Staunton.

[English]

USHER OF THE BLACK ROD

WELCOME

The Hon. the Speaker: Honourable senators, before proceeding to Orders of the Day, I wish to welcome our new Usher of the Black Rod, Mr. Terrance Christopher, who is serving for the first time in chamber duty. Welcome.

Hon. Senators: Hear, hear!

ORDERS OF THE DAY

PHYSICAL ACTIVITY AND SPORT BILL

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Mahovlich, seconded by the Honourable Senator Poy, for the third reading of Bill C-12, to promote physical activity and sport, as amended,

And on the motion in amendment of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Oliver, that the Bill be not now read a third time but that it be amended,

(a) in clause 32, on page 13, by adding after line 27 the following:

“(4) The Minister shall cause a copy of the corporate plan to be tabled in each House of Parliament on any of the first fifteen days on which that House is sitting after the Minister receives the plan.”; and

(b) in clause 33, on page 14, by adding after line 11 the following:

“(5) The Minister shall cause a copy of the annual report to be tabled in each House of Parliament on any of the first fifteen days on which that House is sitting after the Minister receives the report.”.

And on the motion in amendment of the Honourable Senator Kinsella, seconded by the Honourable Senator Atkins, that the Bill be not now read a third time but that it be amended,

(a) on page 13, by adding after line 10, the following:

“32. The Centre is deemed to be a government institution as that term is defined in section 3 of the *Access to Information Act* and section 3 of the *Privacy Act* for the purposes of those Acts.”;

(b) on page 15,

(i) by adding before the heading “*Department of Canadian Heritage*” before line 17, the following:

“*Access to Information Act*

37. Schedule I to the *Access to Information Act* is amended by adding the following in alphabetical order under the heading “*Other Government Institutions*”:

Sport Dispute Resolution Centre of Canada Centre de règlement des différends sportifs du Canada”;

(ii) by adding after line 21, the following:

“*Privacy Act*

39. Schedule I to the *Privacy Act* is amended by adding the following in alphabetical order under the heading “*Other Government Institutions*”:

Sport Dispute Resolution Centre of Canada Centre de règlement des différends sportifs du Canada” ; and

(c) by renumbering clauses 32 to 40 and any cross-references thereto accordingly.

And on the motion in amendment of the Honourable Senator Roche, seconded by the Honourable Senator Murray, P.C., that the Bill be not now read a third time but that it be amended in clause 35,

(a) on page 14, by deleting the heading before line 23 and lines 23 to 46;

(b) on page 15, by deleting lines 1 to 7; and

(c) by renumbering clauses 36 to 40 as clauses 35 to 39 and any cross-references thereto accordingly.

And on the motion in amendment of the Honourable Senator Gauthier, seconded by the Honourable Senator LaPierre, that the Bill be not now read a third time but that it be amended in the Preamble, on page 1, by replacing lines 5 to 8 with the following:

“social cohesion, linguistic duality, economic activity, cultural diversity and quality of life;”.

And on the motion in amendment of the Honourable Senator Bolduc, seconded by the Honourable Senator Nolin, that the Bill be not now read a third time but that it be amended, in clause 28, on page 10, by replacing lines 34 to 38 with the following:

“*Auditor General of Canada*

28. (1) The accounts and financial transactions of the Centre are subject to examination and audit by the Auditor General of Canada.

(2) The Auditor General of Canada shall annually

(a) audit and provide an opinion on the financial statements of the Centre; and

(b) provide a report to the Chairperson and to the Minister on the audit and opinion.

(3) The Minister shall cause a copy of the Auditor General's report to be tabled in each House of Parliament on any of the first fifteen days on which that House is sitting after the Minister receives the report.”.

And on the motion in amendment of the Honourable Senator Gauthier, seconded by the Honourable Senator Hubley, that the Bill be not now read a third time but that it be amended in clause 7, on page 4, by adding after line 19 the following:

“(3) In developing contribution and policy implementation agreements, the Minister shall take into account the needs of the English-speaking and French-speaking minorities, in accordance with the *Official Languages Act*.”.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): What is the question?

The Hon. the Speaker: Perhaps I can help. There are presently six amendments before us with respect to the third reading of this bill. They are listed on the Order Paper. There are motions in amendment by Senators Murray, Kinsella, Roche, Gauthier, Bolduc and another by Senator Gauthier.

• (1530)

I propose that we proceed to vote on these motions in reverse order, as has been our custom.

Senator Kinsella: Honourable senators, because it has been some time since we were dealing with this bill, it may be helpful, after His Honour puts each motion, to have a comment from the government as to its position with regard to that motion.

The Hon. the Speaker: Our rules do not provide for debate after putting the question on the motion; however, with leave, we could do that, or the comment could be made before the motion is put, with the Chair describing the motion to be put.

Hon. Lowell Murray: Your Honour asked whether we were ready for the question. The deputy leader asked what is the question, and we were told that there were six amendments that would be put in reverse order.

I assume that someone from the government will stand and let us know whether any or perchance all of those amendments are acceptable to the government or, if not, simply state the government's position as we go through each amendment. I do not believe that would be out of order.

The Hon. the Speaker: Is it agreed then, honourable senators, that having put the motions in reverse order, as I described earlier, that a representative on the government side will comment briefly before I actually proceed to call for a voice vote or whatever disposal the Senate wishes? That will be followed by the question of whether the amended motion — it already has been amended once — is approved.

Senator Murray: It has been a while. Perhaps Your Honour would read the particular amendment that we are dealing with so that we will know what we are dealing with.

The Hon. the Speaker: That is an excellent suggestion, Senator Murray, and I will do that. Before I do that, however, is it agreed that I will pause after I read the amendment before saying, “Is it your pleasure, honourable senators...” to allow for comment from a representative of the government, presumably the Deputy Leader of the Government? Is that how Honourable Senators wish to proceed?

Hon. Senators: Agreed.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, you have been asked whether you are prepared for the question to be put on each of the amendments now before us.

The government's position has been clearly indicated by our colleague, Senator Mahovlich. If we follow the usual procedure, the position will be made known once the question has been put. By extension, when the member, in whose name Bill C-12 stands, made his statements, we could deduce that the government would not agree with any of these amendments.

Should a vote be held at some point, we would see whether the amendments are adopted, as things progress.

[English]

Senator Kinsella: Honourable senators, I think that greater clarity should be brought to this discussion. Page 4 of today's Order Paper sets out the motion in amendment of Senator Gauthier, seconded by Senator Hubley.

I do not remember Senator Mahovlich expressing the government's view on that amendment. Senator Robichaud has indicated that Senator Mahovlich has explained the government's position. My recollection is, and Hansard will bear this out, that Senator Mahovlich has indeed not spoken on the motion in amendment of Senator Gauthier, seconded by Senator Hubley.

We would like to know what the government's position is on that amendment before the question is put on that amendment. We may agree with the government's position, but we may disagree. As His Honour has pointed out, once the question is put, the question is put. Debate should occur before the question is put.

What is the position of the government on Senator Gauthier's motion in amendment, as seconded by Senator Hubley?

[Translation]

Senator Robichaud: Honourable senators, if the question on the amendment by Senator Gauthier is put, all the senators will know the government's position immediately. It is simply a matter of having the question put on each amendment, one after the other.

[English]

Hon. Jean-Robert Gauthier: I believe, honourable senators, that I have the opportunity to speak in this debate. I may be wrong. I had started to explain why I wanted to move this amendment. I do not believe that the government had made its view known on this amendment, but I sincerely hope that we would not comment on this unless someone had a comment to make on the pertinence of the motion in amendment.

[Translation]

It would be logical for senators to understand that this motion in amendment has its merits.

[English]

The Hon. the Speaker: Honourable senators, this is the reading that I take with respect to how we should proceed if the house is ready for the question. The request — which I will attribute to the Deputy Leader of the Opposition — is that the government makes its position clear on whether it supports each amendment at some point before we vote on it. That request is not unanimously agreed to.

I will not interpret the answer. Honourable senators heard the statement from the Deputy Leader of the Government. The vote will tell you what their position is.

I am not able to depart from the rules governing the way we should proceed. The formal way for me to proceed is to read the motion as amended and then each of the six amendments. I would then go to the point where I was when I started, when I asked if the house was ready for the question. Simply by putting the last amendment, I am assuming the house is ready for the vote.

Senator Robichaud: Yes.

The Hon. the Speaker: I will ask again. Is there another point?

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, if the government has no ready views on the amendments, perhaps it is not time to vote on them. Perhaps senators on the other side should reflect and then return to us with their views. If they cannot give views on proposed amendments to a government bill, perhaps the sponsor of the bill could guide us, but we do need some guidance.

Some Hon. Senators: No.

The Hon. the Speaker: I hear some senators saying no, that they are not ready for the question. Normally at this point an honourable senator would speak. If no senator speaks, we come back to the question. Are we ready for the question?

• (1540)

Some Hon. Senators: No!

The Hon. the Speaker: I will take my seat to see if anyone speaks.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the official position of the government, quite frankly, is

that it does not support any of the amendments that have been proposed. However, there have been some discussions with some honourable senators, and the indication is, to me, at least, that some senators would like to support some of the amendments in this case. Beyond that, all I can do is say, "Let us vote on the amendments and see what unfolds."

The Hon. the Speaker: Is the house ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker: I will proceed by putting the questions on the amendments of Bill C-12 as amended in reverse order and proceed with the last amendment first.

It was moved by the Honourable Senator Gauthier, seconded by Honourable Senator Hubley, that the bill be not now read a third time but that it be amended in clause 7 on page 4 by adding, after line 19, the following:

(3) In developing contribution and policy implementation agreements, the Minister shall take into account the needs of the English-speaking and French-speaking minorities, in accordance with the *Official Languages Act*.

Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Those in favour of the motion in amendment will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion in amendment will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it. The motion in amendment is defeated, on division.

The next amendment, honourable senators, was moved by the Honourable Senator Bolduc, seconded by the Honourable Senator Nolin, that the bill be not now read a third time but that it be amended in clause 28, on page 10, by replacing lines 34 to 38 with the following:

Auditor General of Canada

28. (1) The accounts and financial transactions of the Centre are subject to examination and audit by the Auditor General of Canada.

(2) The Auditor General of Canada shall annually

(a) audit and provide an opinion on the financial statements of the Centre; and

(b) provide a report to the Chairperson and to the Minister on the audit and opinion.

(3) The Minister shall cause a copy of the Auditor General's report to be tabled in each House of Parliament on any of the first fifteen days on which that House is sitting after the Minister receives the report.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: All those in favour of the motion in amendment will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion in amendment will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it. The motion in amendment is not passed, on division.

I will proceed to the next motion in amendment: It was moved by the Honourable Senator Gauthier, seconded by the Honourable Senator LaPierre, that the bill be not now read a third time, but that it be amended in the Preamble, on page 1, by replacing lines 5 to 8 with the following:

social cohesion, linguistic duality, economic activity, cultural diversity and quality of life;

Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion in amendment please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion in amendment will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the "yeas" have it. The motion in amendment is carried.

The next motion in amendment, in reverse order, was moved by the Honourable Senator Roche, seconded by the Honourable Senator Murray, that the bill be not now read a third time but that it be amended in clause 35,

(a) on page 14, by deleting the heading before line 23 and lines 23 to 46;

(b) on page 15, by deleting lines 1 to 7; and

(c) by renumbering clauses 36 to 40 as clauses 35 to 39 and any cross-references thereto accordingly.

Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: All those in favour of the motion in amendment will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion in amendment will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the "nays" have it. The motion in amendment is lost.

The next motion in amendment was moved by the Honourable Senator Kinsella, seconded by Honourable Senator Atkins: That the bill be not now read a third time but that it be amended:

(a) on page 13, by adding after line 10, the following:

"32. The Centre is deemed to be a government institution as that term is defined in section 3 of the *Access to Information Act* and section 3 of the *Privacy Act* for the purposes of those Acts.";

(b) on page 15,

(i) by adding before the heading "*Department of Canadian Heritage*" before line 17, the following:

"*Access to Information Act*

37. Schedule I to the *Access to Information Act* is amended by adding the following in alphabetical order under the heading "*Other Government Institutions*":

Sport Dispute Resolution Centre of Canada
Centre de règlement des différends sportifs du Canada";

(ii) by adding after line 21, the following:

"*Privacy Act*

39. Schedule I to the *Privacy Act* is amended by adding the following in alphabetical order under the heading "*Other Government Institutions*":

Sport Dispute Resolution Centre of Canada
Centre de règlement des différends sportifs du Canada"; and

(c) by renumbering clauses 32 to 40 and any cross-references thereto accordingly.

Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Those in favour of the motion in amendment please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion in amendment please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the "nays" have it. The motion is lost, on division.

I will now put the last motion in amendment: It was moved by the Honourable Senator Murray, seconded by the Honourable Senator Oliver, that the bill be not now read a third time but that it be amended,

(a) in clause 32, on page 13, by adding after line 27 the following:

"(4) The Minister shall cause a copy of the corporate plan to be tabled in each House of Parliament on any of the first fifteen days on which that House is sitting after the Minister receives the plan."; and

(b) in clause 33, on page 14, by adding after line 11 the following:

"(5) The Minister shall cause a copy of the annual report to be tabled in each House of Parliament on any of the first fifteen days on which that House is sitting after the Minister receives the report.".

Is it your pleasure, honourable senators, to adopt the motion in amendment?

• (1550)

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those honourable senators in favour of the motion in amendment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion in amendment please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it. I declare the motion in amendment carried.

[The Hon. the Speaker]

Is it your pleasure, honourable senators, to adopt the motion, as amended?

Motion agreed to and bill read third time and passed, as amended.

CODE OF CONDUCT AND ETHICS GUIDELINES

MOTION TO REFER DOCUMENTS TO STANDING COMMITTEE ON RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Robichaud, P.C., seconded by the Honourable Senator Carstairs, P.C.:

That the documents entitled: "Proposals to amend the Parliament of Canada Act (Ethics Commissioner) and other Acts as a consequence" and "Proposals to amend the Rules of the Senate and the Standing Orders of the House of Commons to implement the 1997 Milliken-Oliver Report", tabled in the Senate on October 23, 2002, be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament,

And on the motion in amendment of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Losier-Cool, that the motion be amended by adding the following:

"That the Committee, in conjunction with this review, also take into consideration at the same time the code of conduct in use in the United Kingdom Parliament at Westminster, and consider rules that might embody standards appropriate for appointed members of a House of Parliament who can only be removed for cause; and

That the Committee make recommendations, if required, for the adoption and implementation of a code of conduct for Senators, and concerning such resources as may be needed to administer it, including consequential changes to statute law that may be appropriate."

Hon. Herbert O. Sparrow: Honourable senators, I wish to speak to the code of conduct and ethics guidelines that, I believe, will be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament for consideration. I spoke to the motion at a previous sitting of the Senate, but today I wish to speak to the motion in amendment of the Honourable Senator Joyal.

I expressed my concern that I believe senators should be masters of their own fate in this place. The decision affecting the ethics of the Senate should be made in this chamber. In that context, I agree that the subject matter should be referred to the Rules Committee, and I support the motion in amendment of Senator Joyal, which states:

"That the Committee, in conjunction with this review, also take into consideration at the same time the code of conduct in use in the United Kingdom Parliament at Westminster, and consider rules that might embody standards appropriate for appointed members of a House of Parliament who can only be removed for cause; and

That the Committee make recommendations, if required, for the adoption and implementation of a code of conduct for Senators, and concerning such resources as may be needed to administer it, including consequential changes to statute law that may be appropriate."

MOTION IN AMENDMENT

Hon. Herbert O. Sparrow: Honourable senators, I move, seconded by Senator Cools, that the motion in amendment be amended by adding the following:

That the committee, in conjunction with the review, also take into consideration the present Rules of the Senate, the Parliament of Canada Act, the Criminal Code of Canada, the Canadian Constitution, and the Common Law to determine after a full compilation and review of these provisions whether they do of themselves adequately serve to assure high ethical standards in the actions of Senators in performing their duties.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Motion in amendment agreed to.

Hon. Anne C. Cools: Honourable senators, I wanted to speak to the amendment.

Hon. John Lynch-Staunton (Leader of the Opposition): The motion in amendment has passed.

The Hon. the Speaker: Senator Cools, do you wish to speak?

Senator Cools: I want to take the adjournment.

The Hon. the Speaker: You want to move the adjournment of the debate, Senator Cools?

Senator Cools: That is what I have been trying to do, which some honourable senators find very amusing.

The Hon. the Speaker: It is moved by Senator Cools, seconded by the Honourable Senator Sparrow, that further debate be adjourned to the next sitting of the Senate.

Senator Sparrow, did you not wish to second the motion?

Senator Sparrow: Honourable senators, for confirmation, the motion was passed. I gather that Senator Cools is now speaking on either the main motion or the motion in amendment of Senator Joyal.

Senator Cools: Honourable senators, I wish to adjourn the main motion.

The Hon. the Speaker: Honourable senators, there are two amendments. Senator Joyal's amendment has passed and Senator Sparrow's amendment has passed. We are now on the motion as amended twice. The honourable senator is entitled to speak to it or is entitled to move adjournment of the debate. It is my understanding that Senator Cools wishes to do the latter.

Senator Cools: Honourable senators, I thought I was quite clear when I said that I wished to move the adjournment.

Senator Lynch-Staunton: Senator Joyal's motion in amendment has not been passed.

The Hon. the Speaker: It is moved by Senator Cools, seconded by Senator Sparrow, that further debate be adjourned to the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will all those in favour of the motion to adjourn debate please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will all those opposed to the motion to adjourn debate please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it and the motion is defeated.

Is the house ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker: Sorry. We have not put Senator Joyal's motion in amendment. We have proceeded correctly, in the reverse order, by putting the question on the motion in amendment of Senator Sparrow.

Is it your pleasure, honourable senators, to adopt the motion in amendment by Senator Joyal?

Senator Cools: Your Honour, I wish to speak to that motion in amendment too.

The Hon. the Speaker: Senator Cools, we are in the middle of putting the question.

Senator Cools: Your Honour, I have not spoken.

Senator Murray: His Honour is on his feet.

The Hon. the Speaker: Senator Cools, your motion to adjourn debate on the motion in amendment by Senator Sparrow was not agreed to. We are now in the process of taking a vote on the motion in amendment by Senator Joyal. We will then deal with the main motion. I do not believe we are at a stage where debate can take place. Accordingly, it is not in order, in the middle of the course of debate, to move adjournment or to move another motion.

Senator Cools, I will hear you on the point of order.

Senator Cools: Honourable senators, it is my understanding that one votes on amendments sequentially. When one vote is disposed of, debate automatically moves back to the main motion. I was not under the impression, and it was not made clear to me or maybe to everyone else in this chamber, that we were in fact disposing of all of the votes on this question today.

• (1600)

If that is the case, the mover of the motion should rise to speak to close the debate, to indicate clearly that the debate is coming to a conclusion.

My understanding is that, after the first subamendment is disposed of, the debate falls right back to the next one. The obvious course then is to discover whether the wish is to resume debate on that particular question or whether the chamber wants to hold a vote. At that point, it seems to be very reasonable that I could rise and say that I wish to take the adjournment of the debate because I wish to speak to the first motion in amendment.

Barring all of that, it seems to me that we cannot dispose of that vote and move on to a final vote on the main motion without the mover of the main motion indicating to the chamber that the debate is coming to a close. It seems to me that there is a pretty ordered way in which debate is closed, and I have not seen that happen here, Your Honour.

The Hon. the Speaker: On the point of order, Senator Sparrow.

Senator Sparrow: What happened was unusual. I am not sure that it has happened before, but that does not mean it was not right or correct. My motion in amendment was moved and passed in this chamber, but that does not mean that the motion in amendment of Senator Joyal was passed. We revert to the motion in amendment of Senator Joyal and any senator should be entitled to speak on that amendment.

The Hon. the Speaker: Any other comments on the point of order?

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I would not want to complicate the procedure. Senator Sparrow moved an amendment, which was adopted by this House.

We were about to vote on the amendment put forward by Senator Joyal when the Honourable Senator Cools moved the adjournment of debate. This motion was not adopted.

Nothing stops the Honourable Senator Cools or any other senator from speaking on Senator Joyal's motion in amendment. Then, the question could be put, and we could dispose of the motion in this fashion.

[English]

The Hon. the Speaker: I think I have heard enough to make a decision on this matter. Senator Robichaud's comments are well taken and concur with what Senator Cools has said, notwithstanding my suggestion that we would deal with all matters before us sequentially without further debate. On consideration, having listened to the contribution of honourable senators and following a philosophy that I think is important, which is that we should be at pains to allow senators to speak.

Senator Cools: Yes.

The Hon. the Speaker: Senator Cools, therefore, can speak or move adjournment of the debate.

Senator Robichaud: Adjournment was refused.

The Hon. the Speaker: If she moves adjournment of the debate, we can dispose of that. If it is debatable, she can either debate it or move it. It is on the floor and she can do anything that we are entitled to do, in my opinion. She may speak. I think I know the wish of the Deputy Leader of the Government in this regard.

Senator Cools: Honourable senators, it is clear to say that the wish of the government is to end the debate, which is a different issue from what I was trying to say.

The Hon. the Speaker: Senator Cools, to clarify, are you speaking to the amendment at this time?

Senator Kinsella: Yes.

Senator Cools: No, I am trying to adjourn the debate. I was trying to say that before. As far as I am concerned, the debate is still ongoing because the mover of the motion has not indicated to the chamber that the debate is over.

Senator Robichaud: Order!

Senator LaPierre: Sit down!

The Hon. the Speaker: Having disposed of the point of order in your favour, Senator Cools, I will not hear further argument on the point of order.

Senator Cools: Your Honour, I wish to ascertain whether or not I am the last speaker on this particular amendment. This particular amendment was moved by Senator Joyal. I was under the impression that the mover of an amendment or the mover of a motion indicates to the chamber that he wants the vote to proceed. I am not under the impression that the Leader of the Government or any other member of this house can simply bring a debate to a close. My understanding is that the mover of the motion is the key person who has to indicate that it is okay for his

question to move ahead. My understanding is that Senator Joyal has an opportunity to rise and to close this debate, if he so chooses. It is his right as mover of the motion. In absence of him doing that, I should like to speak on the debate and I offered to move the motion to adjourn, which I would like to do again because it seems to me the debate is still ongoing.

I understand the eagerness of some senators to terminate the debate. I question that and say that it is wrong. Your Honour, just by rising, you should not be cutting me off, either. You do it a lot.

The Hon. the Speaker: Senator Cools, you have made a motion. There seems to be some problem, but you are entitled to speak. I heard you say that you now want to move a motion to adjourn, and I thought I would put that question.

Senator Cools: What are we moving the motion on? We are still on Senator Joyal's subamendment.

The Hon. the Speaker: Let me try to dispose of the point of order.

Senator Cools is quite right. It is customary for the proposer of a bill, someone in Senator Joyal's position, to often indicate the time for the question.

Senator Cools: Precisely.

The Hon. the Speaker: However, it is also often the case that the Speaker will hear from the floor a request to put the question. The proposer of the motion may or may not be present. It is the will of this chamber as to whether or not a motion will be put. The Speaker will then often say, "Is the house ready for question?" If the answer is in the affirmative, with no one rising to continue or adjourn the debate, then the question is put.

Did you wish to comment, Senator Murray?

Hon. Lowell Murray: Honourable senators, one of the points of order raised by Senator Cools was to the effect that the mover of a motion in amendment, which is the case with Senator Joyal, has the right to close the debate.

With great respect, I believe she is incorrect in that assertion. It is true that the person who presents a bill closes the debate, but this is not done with amendments to bills or motions, as far as I am aware. Senator Joyal would not have the right to close the debate.

With regard to the motion that Senator Cools may have just made to adjourn the debate, if an identical motion has been defeated already, there must be an intervening stage before a second motion to adjourn the debate would be acceptable. I believe I am correct in that.

The Hon. the Speaker: The honourable senator is probably referring to rule 35 in terms of the right of reply, which states:

A Senator who has moved the second reading of a bill or made a substantive motion or an inquiry shall have the right of final reply.

We have a practice of giving notice. The question, then, is whether this is a substantive motion.

Senator Cools: Yes.

The Hon. the Speaker: I do not have the answer to that off the top of my head, but even if it is a substantive motion, and that is hypothetical for purposes of my comment now, Senator Joyal did not rise. Senator Joyal has not indicated any intention to speak. There is no rule or practice that I am aware of that prevents a vote from being taken on a motion only at the invitation of the proposer of that motion. This is a question for the Senate as a whole to decide. We, in practice, often take votes in the way that I described a moment ago.

What was your other question, Senator Murray?

• (1610)

Senator Murray: Before my friend can move another motion to adjourn the debate there has to be an intervening stage.

The Hon. the Speaker: That is right, but the motion to adjourn that was defeated was on the amendment of Senator Sparrow, and we are now on the amendment of Senator Joyal.

Senator Robichaud: No. No.

Senator Lynch-Staunton: No, Senator Sparrow's motion was carried. The amendment was passed.

[Translation]

Senator Robichaud: Honourable senators, the amendment put forward by the Honourable Senator Sparrow has already been adopted. We should proceed to Senator Joyal's amendment. A motion to adjourn debate on Senator Joyal's amendment has been moved and defeated. If no honourable senator wishes to speak on this amendment, the question may be put and we can dispose of this amendment in order to deal with the main motion. If no honourable senator wishes to continue debate, we could consider the proposal now before us.

[English]

Senator Rompkey: Question.

Senator Milne: Question.

The Hon. the Speaker: Honourable senators, I believe Senator Cools wishes to speak.

Senator Cools: Honourable senators, I want to clarify rule 35 because there seems to be some misunderstanding of the meaning of rule 35 in the minds of some senators. The rule states clearly:

A Senator who has moved the second reading of a bill or made a substantive motion or an inquiry shall have the right of final reply.

The right of final reply is a standard procedure in Parliament, as it is in the common law, however, the particular term here that senators seem to be stumbling over is the term "substantive motion." "Substantive motion" is a parliamentary phrase refers to particular kinds of motions, for example, motions amending bills and amendments to motions as opposed to other classes of motions, for example, dilatory motions. The term "substantive motion" is not that difficult to grasp.

The second point, honourable senators, is that I never said that a vote could be put only after the mover has spoken. There are times when the mover of the motion, or the one who proposes the initiative may indicate that he or she has no wish to speak again. All I was trying to say was that there was a sub-amendment before us that was disposed of, and the debate immediately reverts to the previous question, which was Senator Joyal's motion and to which I wish to speak.

I have been waiting for some weeks now to speak. I was very interested in what Senator Sparrow had to say. Senator Sparrow is a man of considerable accomplishment, particularly in this matter. He is a long-serving senator. I have waited some weeks to hear him, and I had intended to speak after he had spoken. I had no idea we would be introducing an amendment so it was my intention to be speaking on Senator Joyal's question.

What I am trying to say, honourable senators, is that there was no indication to any of us that there was a timeline on this debate. There has been no indication of closure, and there has been no indication from the leadership here on the floor of the Senate that they wanted this question put today. I was simply exercising my basic right to participate in the debate. I did not think that would be a problem. Obviously, it has proven to be a problem.

In any event, honourable senators, all I am saying is that I had wanted to speak in this debate and I am not ready to speak today. It is that straightforward. I am exercising my right within the rules of this Senate, under which I think we are supposed to be operating. As far as I can see, I am within my rights to ask for the adjournment.

Senator Murray: Honourable senators, I do not have a view on the matters that my friend has just raised. I do not think I will be taking part in the debate at this stage, and I am in no hurry with regard to the bill. However, I do want to point out that "substantive motion" is not what my friend says it is.

Senator Joyal's amendment is not a substantive motion. "Substantive motion" is defined in our rules under rule 4(e)(ii), page 5 of the English version.

"Substantive motion" means an independent motion neither incidental to nor relating to a proceeding or order of the day already before the Senate;

Obviously, Senator Joyal's amendment to this bill does not qualify as a substantive motion. Further, I think I would find, if I looked further here, that substantive motions require notice to be given. There, again, no notice is required for an amendment such as Senator Joyal has proposed.

[Senator Cools]

Again, I believe I am correct in saying that there is not a right on the part of a mover of an amendment to a bill to speak twice, as it were, by closing debate on this amendment.

Senator Lynch-Staunton: It is not a bill. It is a motion.

The Hon. the Speaker: I agree. Perhaps I have contributed to some of the confusion. The motion of Senator Sparrow was passed. Senator Cools moved adjournment of the debate, in effect on Senator Joyal's motion in amendment, and her motion to adjourn was defeated. We have no intervening act that would allow her to move the motion to adjourn again, as was observed. Accordingly, we are now on the motion in amendment of Senator Joyal.

Senator Robichaud: Question!

The Hon. the Speaker: Is the house ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Motion in amendment agreed to.

The Hon. the Speaker: We now go on to the main question of the resolution as amended.

Is it your pleasure, honourable senators, to adopt the motion as amended?

Motion agreed to, as amended.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Leave having been given to revert to Notices of Motions:

Hon. Mira Spivak: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have the power to sit at 5 p.m. today, Tuesday, February 4, 2003, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

SANCTIONING OF MILITARY ACTION AGAINST IRAQ UNDER INTERNATIONAL LAW

MOTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Roche, seconded by the Honourable Senator Taylor:

That the Senate notes the crisis between the United States and Iraq, and affirms the urgent need for Canada to uphold international law under which, absent an attack or imminent threat of attack, only the United Nations Security Council has the authority to determine compliance with its resolutions and sanction military action.—(*Honourable Senator Rompkey, P.C.*).

Hon. Bill Rompkey: Honourable senators, I wish to say a few words today and perhaps take the opportunity to say more on this motion later. It is important to note, first of all, in accordance with the earlier exchange we had during Question Period, that Senator Roche's motion be kept alive. It is very timely. I think it was the suggestion of Senator Carstairs that many senators might want to participate in this debate and to use Senator Roche's motion as a vehicle for debating a very serious issue that faces us at the moment.

Although I have delayed speaking up until now, I am pleased to participate in the debate at this time because the topic is becoming more timely every day. Let me make a few comments today, Your Honour, and then adjourn the debate to later.

The longer this situation goes on, the more puzzling it gets. I believe the first choice for all of us would be to have any action against Iraq taken under the auspices of the United Nations. Having said that, there are still questions that we need answered. First, what is the situation in Iraq? Exactly what weapons are there? What are the capacity and the potential of those weapons? Those questions have not been answered to the satisfaction of many people.

The second question, in my mind, relates to the role of the UN itself. While it is the only body that we have, and while we all believe it is the vehicle that should be used, its track record is not impeccable either. I refer to Kosovo and Rwanda as cases where perhaps the UN was not as effective as it might have been. We face a puzzling dilemma. If we leave the whole of the responsibility in this case to the UN, would we be right in doing that at this time?

This is a situation that must be addressed. I simply raise those questions today. If I may, honourable senators, I would take the adjournment of the debate, in order to prolong the period during which senators may participate in this debate.

Senator LaPierre: Hear, hear!

On motion of Senator Rompkey, debate adjourned.

INDEPENDENCE OF SPEAKER IN WESTMINSTER MODEL OF PARLIAMENT

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Kinsella calling the attention of the Senate to the independence of the Speaker in the Westminster model of Parliament.—(*Honourable Senator Oliver*).

Hon. Terry Stratton: Honourable senators, I should like to speak briefly to the issue of the independence of the Speaker in the Westminster model of Parliament.

Similar to Bill S-4, which I sponsored and which talks about the review of the appointments to the Supreme Court of Canada and to the Senate and of the appointments of lieutenant governors of Canada, this inquiry addresses the kind of issue that I believe should be debated in this chamber. Whether we support it or not, the issue needs to be debated. If not here, where will it be debated?

As I look at the independence of the Speaker in the Westminster model of Parliament, the same thing holds true. The question should be opened and debated so that we put forward ideas about how this issue can be addressed in the future. The pressure is constantly building with the public out there. As with my bill in the last session, Bill S-20, the response from Western Canada was surprising. I think the same thing can hold true here.

I think we should debate this issue.

On motion of Senator Stratton, for Senator Oliver, debate adjourned.

• (1630)

NATIONAL SECURITY AND DEFENCE

GOVERNMENT RESPONSE TO REPORT ENTITLED "CANADIAN SECURITY AND MILITARY PREPAREDNESS"—INQUIRY

Hon. J. Michael Forrestall rose pursuant to notice of October 10, 2002:

That he will call the attention of the Senate to the Government response to the Report of the Standing Committee on National Security and Defence entitled *Canadian Security and Military Preparedness*, tabled in the Senate on Wednesday, October 9, 2002.

He said: Honourable senators, it is with deep regret that I take this opportunity to respond to the Government of Canada's hollow response to the Standing Senate Committee on National Security and Defence's report entitled "Canadian Security and Military Preparedness."

It is a response long on government "press spin" and short on government action. It is, in reality, short of the mark and a non-response to our committee. Indeed, when the House of Commons receives a government response to committee reports, it responds to each and every recommendation — not so this time with the Senate report.

To be fair, the government's response does point out that the government has committed \$7.7 billion beginning in fiscal year 2001-02 to enhance Canadian security. However, the response plays games with the numbers. For instance, it states that the government set aside \$1.6 billion for emergency preparedness and the Canadian Forces. In fact, the Department of National Defence was allotted only \$1.2 billion over five years, and of that only \$510 million over two years went to support conventional military capabilities and some \$210 million was set aside to pay for Operation Apollo.

As a point of fact, the Auditor General has pointed out that the Department of National Defence has an operations and maintenance deficit on a per annum basis of some \$1.5 billion alone. Honourable senators will be reminded that those figures are now getting to be more than a year and one half or two years old. Thus, the government's numbers are suspect and require further analysis.

Indeed, there was no answer to our recommendation for a \$4-billion infusion in this fiscal year to the Canadian Forces.

While it is true, honourable senators, that Canada has taken a number of steps to project a Smart Border with the United States, it should not go unnoticed that our southern trading partner and closest ally is becoming increasingly vocal about Canada's defence and security spending. This government's recent deal to allow American troops on Canadian soil would never have happened in this manner if we had maintained proper border controls and military forces to ensure Canadian security and hence enhance the security of the United States.

Although the government provided by its own figures and questionable accounting some \$60 million for the enhancement of maritime security and just recently another \$172.5 million — between six government departments, I might add — I would suggest to honourable senators that it has done little to ensure the security of our major ports of Montreal, Halifax and Vancouver, through no fault of the port authorities that are trying to cope with the post-September-11 world as best they can. These major ports are extremely vulnerable to attack by everything from common thieves to organized crime to terrorists with either a cyber virus or a weapon of mass destruction. These ports are critical to our economic and national security. How many of our ports have radiation detectors on cranes? What about our offshore oil rigs and pumping stations? What steps has the government taken to protect these installations from terror attack — that top al-Qaeda terrorist hit lists in almost any country — and our environment from absolute and total destruction? The government does not address our recommendation for a public inquiry, for example, into Canadian ports. What has the government done about passenger ferry terminal security in such places as Yarmouth? Can honourable senators think of a softer target for a group that wants a high-impact target to kill innocent people, Canadians, Americans and others?

There is then the highly contentious issue of airport security, a matter about which the Standing Committee on National Security and Defence has just recently tabled a report entitled "The Myth of Security at Canada's Airports."

There is the question of the government's tax grab and the reaction of the Auditor General, who says she had to bring a review of it to a halt, honourable senators, because she could not follow the accounting procedures in place. I wonder where all that money is? We are talking about a lot of money. Is it going to enhance security? No one knows. However, what we do know is that when I travelled to the West Coast last week as a member of the National Security and Defence Committee, it cost me \$12 in Halifax, \$12 in Toronto, \$12 to get on a private flight in Regina to go to Edmonton, and from Edmonton to Vancouver it cost me another \$12. Honourable senators, that is \$48, just to get to the West Coast. The same taxes were applicable on the return journey. So in this case, the taxes amounted to \$96 — not \$12, not \$24, but \$96. The monies are in the mix somewhere, but can any honourable senator tell me that he or she is safer in the air now than prior to September 11? Can any honourable senator demonstrate that? I doubt it.

When our own committee heard testimony that few, if any, bags are searched and that organized crime has penetrated our airport cargo facilities, just as they have our major and minor ports, all we got from the government by way of a response was a rehash of government press releases. Indeed, their response was so vacuous that even Sir Humphrey Appleby of "Yes, Prime Minister" fame would be proud and pleased with the masterful inactivity of the Government of Canada.

Canada's ability to confront terrorists with weapons of mass destruction capability exists in little more than platoon form. Our intelligence services are hampered by their very size and limited resources to provide early warning. Military intelligence is tactical, at best. CSIS, if these reports are true of mail tampering, is in difficulty. The Communications Security Establishment's equipment is old, and we have been told that its equipment that is deployed for electronic intelligence gathering is unreliable for that very reason — old age. As for intelligence oversight, it appears non-existent outside CSIS. Based on a book released last year entitled *Covert Entry: Spies, Lies and Crimes Inside Canada's Secret Service*, that level of oversight must now be called into question.

Lastly, I want to say a few things about the state of Canada's military, which garnered only 67 words in the Speech from the Throne. Honourable senators, think about that. The only words on the subject that would have been acceptable to most Canadians, I think, are: "Yes, they need help. Yes, we will give them help. Yes, that help will match the demonstrated requirement of the leaders of the Canadian Armed Forces." It is so clear, not just to myself, but I hope to many more, that at no time, or very seldom, in any event — and I have been here for coming up to 38 years — have we ever seen the Government of Canada pay such little attention to our defence forces.

• (1640)

When the Chrétien government came to power in 1994, it had a navy given to it on the cutting edge of medium-sized navies and a replacement program for the Sea King. With respect to the Sea King, I welcome a response from the Leader of the Government

in the Senate today, but I have a funny feeling that she roped me in and that I will have to read the "blues." I congratulate the honourable leader on her doing something that has nothing to do with whether Eurocopter is back in the running as a replacement for the Sea King. If that should be the case, this will be an interesting chamber, because little will be done if no leave is granted — not until the honourable leader starts to tell the truth about the replacement of the Sea King helicopter.

The Sea King has a deferred maintenance problem that is second to none, and that effectively means that our TRUMP destroyers and operation support ships are on their way out with little sign of replacement. The government cancelled the Sea King replacement and replaced it at great monetary cost to the taxpayer with a process so questionable that it has been hung up for years. The only force that we now have that is capable of fighting alongside the best and against the best is in such rapid decline and deterioration that it is in the process of abandoning its entire task group concept.

The air force is essentially landlocked to Canada until we have a strategic refuelling capability that this government scrapped. The CF-18s are in need of replacement before the end of the decade. All of our air fleets, save the EH-101 Cormorants purchased by this government, have declining rates of availability. We are critically short of pilots and technicians.

Then there is the lamentable state of the army, an army that liberated Vimy Ridge — a fact that is a surprise to our Minister of National Defence some 85 years later — and an army that liberated Holland, which the Dutch will never forget.

Honourable senators, we have not held brigade-level exercises since the early 1990s. We are incapable of meeting our white paper commitments and we cannot sustain, past one rotation in a peacekeeping environment, more than that one battalion group on overseas operations.

We have tanks that are so old they are not deployed. We have no attack helicopters. This country could not even ship stoves, toilets and fresh water purification systems to Afghanistan, let alone provide camouflage uniforms to our troops in the desert environment. I am now told that all of our reserve regiments, struggling to survive, have been told that their budgets will be cut. They still have only 37.5 days of training annually when they should have a minimum of 45 or 50 days of training. What of our recommendation to increase the size of the Canadian Armed Forces to 75,000 personnel — nothing. Alone, that would have solicited a thoughtful response such as, "Yes, we can do it" or "No, we cannot do it," and the reasons.

Thus, it was with little surprise that the vacuous response came from the former Solicitor General of Canada who had a problem with knowing what he knew and when he knew it, and from the Minister of National Defence who does not know the difference between heroism at Vimy and traitorous activity at Vichy. It is terribly sad that these ministers are so out of touch with reality that they clipped and pasted past press releases together to form a response to our committee report, but it is little wonder, given the government's lack of attention to the Canadian Armed Forces in the Speech from the Throne.

Honourable senators, a national institution that is the guardian of our democracy and of our nation state is under attack and is faced with irrelevance due to government inaction. This government's response to the Standing Senate Committee on National Security and Defence is nothing more than a further illustration of this government's apparent contempt for — or benign neglect of, if you will — national security and the people of Canada who rely on it.

The Hon. the Speaker: If no other senator wishes to speak, this inquiry is considered debated.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO STUDY HEALTH ISSUES SURROUNDING REPORT ON STATE OF HEALTH CARE SYSTEM

Hon. Michael Kirby, pursuant to notice of December 10, 2002, moved:

That Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on issues arising from, and developments since, the tabling of its final report on the state of the health care system in Canada in October 2002. In particular, the Committee shall be authorized to examine issues concerning:

- (a) Aboriginal health;
- (b) Women's health;
- (c) Mental health;
- (d) Rural health;
- (e) Population health;
- (f) Home care;
- (g) Palliative care.

That the papers and evidence received and taken by the Committee on the study of the state of the health care system in Canada in the Second Session of the Thirty-sixth Parliament and the First Session of the Thirty-seventh Parliament be referred to the Committee, and

That the Committee submit its final report no later than June 30, 2004.

He said: Honourable senators, during the committee's recent health care study over the last two and one-half years, it became apparent that a number of the health topics listed in the motion deserve a substantially more in-depth examination than they received when the committee looked at the broad outlines of the whole health care system. It is our intention, over the next year or two, to do an in-depth piece of work on the narrowness of the specific topics.

The committee's intention would be that the first such detailed study would be on the issues of mental health and mental illness.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): All honourable senators were pleased with the excellent work of the Standing Senate Committee on Social Affairs, Science and Technology in the area of health care in Canada. Indeed, the leadership that our committee has given to addressing health care is receiving accolades from coast to coast.

We find ourselves in a circumstance such that when the house is faced with these proposals from committees to conduct studies, and given the available budgets for committees, it places a new responsibility on the chamber to precisely assess a committee's proposal to undertake a study and to receive the authority of the house to do so.

• (1650)

Senator Kirby has just stated that this is a fairly broad area, but that he and his committee colleagues would give priority to mental health. I am wondering whether the committee might go back and address the extremely broad frame of reference they are bringing to us. If the priority is for mental health, and from my own experience that is one area that has been neglected for a terribly long time in our country, then our committee might make a major contribution by giving detailed focus to that particular area of health.

Might it not be a good practice for this chamber to invite our committees to circumscribe the studies that are proposed? If, as the committee chair has told us, mental health is their priority, perhaps he could make the proposal to us that he wishes to address mental health. Then, the study could be somewhat more circumscribed.

Senator Kirby: Honourable senators, Senator Kinsella's comments are well taken. To expedite matters, I would be happy to move, seconded by Senator Kinsella, that my motion be amended so that the list disappears and the one topic that remains is the issue of mental health and mental illness. It will take us a year or so to do that study, and then we would return to the chamber with another topic. If it is in order, I would move that amendment because that is what we intend to do.

The Hon. the Speaker: Senator Kirby, could we treat your comment as one that other senators might wish to address? I know Senator Watt wishes to speak. I did not see him between the two of you because I took it that Senator Kinsella was asking you a question, not speaking to the report.

Hon. Charlie Watt: Honourable senators, I have a concern along the lines of Senator Kinsella's concern. At the same time, I should also like to make it clear that when we speak about Aboriginal health issues, there are many Aboriginal peoples in this country: the Metis, status Indians, non-status Indians, on reserve, off reserve, as well as the Inuit. How does Senator Kirby plan to deal with those groups? They all have problems in regard to health issues.

Senator Kirby: Honourable senators, my response to Senator Kinsella deals with that issue. Down the road, when the committee decides that it is finished with the mental health issue and then decides to start a study of Aboriginal health, we would return to the chamber with a much more detailed term of reference. In a sense, by amending the motion the way we have

discussed amending it, I believe that will ensure that any concerns that Senator Watt may have about the nature of the study we might do on Aboriginal health would be dealt with separately and, therefore, would not be approved by the chamber this afternoon.

Senator Watt: Honourable senators, my problem with Senator Kirby's proposition is that it puts Aboriginal issues on the back burner. This is one area that is very important to the Aboriginal people in this country. Health is in a critical state for most. They should not be put in the position of having to wait until one issue is dealt with before Aboriginal health is dealt with. We will have to find a better solution than that.

Senator Kirby: I do not dispute the crisis nature of health care for Aboriginal Canadians. In terms of having to choose between a significant number of important areas, I am only saying that the committee has concluded that it would prefer to deal with the mental health issue before it takes on other issues. Obviously, a significant part of what we will do will have an impact on the health status of Aboriginals, for example, because of addiction and other things, all of which are mental health issues. The committee did not decide that the other issues were unimportant; rather, it decided that this issue is the one we should do first. It is not a question of putting it on a back burner, but rather setting priorities amongst tough, competing issues.

Senator Watt: Honourable senators, along the lines of what was considered by Senator Kinsella and what seems to be agreed upon, as long as Aboriginal health issues in a broad sense are not left with the "we will deal with that some other time" approach, I have no difficulties with that.

Honourable senators are probably also aware that when it comes to Aboriginal health issues, the housing problem is a contributing factor because people are crowded in small houses. There are also a huge number of young people committing suicide. Perhaps we could spearhead this debate from the standpoint of a mental health issue. That would be very important.

Senator Kirby: To summarize the comments of Senator Kinsella and Senator Watt, the suggestion is that the items listed under (a) to (g) be brought to a single one called "mental health and mental illness" and that is the position I hope the chamber would adopt.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, the committee is to table its final report on June 30, 2004, at the latest. Would it be possible for the committee to table it earlier in June when the Senate is sitting, so that honourable senators can read it and discuss it with the committee Chair and members?

[English]

Senator Kirby: Honourable senators, recognizing the debate that ensued as a result of tabling our final health report on a Friday, I am happy to agree to give this house my word that we will agree to make the final report available on a day when the Senate is sitting.

MOTION IN AMENDMENT

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I now rise to speak in order to facilitate the procedure. We have before us a motion. I move that the motion be amended by striking letters (a), (b), (d), (e), (f) and (g) and changing letter (c) to be without a letter and that the date in the last line, June 30, be changed to May 30.

Hon. Michael Kirby: I am happy to second that amendment.

The Hon. the Speaker: One clarification, arising out of Senator Kirby's comments. He mentioned mental health and mental illness. Is that important?

Senator Kirby: I would prefer to put both together because that is what the profession and other people do. I see Senator Kinsella nodding. I take it that is also part of his amendment.

• (1700)

Hon. Charlie Watt: Could the honourable senator also agree to include the Aboriginals, to ensure that they are not left behind?

Senator Kinsella: The clear understanding, as discussed earlier, is that mental health and mental illness applies to all communities in Canada. From our experience, we know that there is a tremendous amount of work to be done coast to coast to coast in our First Nations communities. The big umbrella is mental health and mental illness. Within that, special focus must be given to our First Nations communities and to other communities as well.

Senator Kirby: Definitely.

Senator Watt: I am not sure whether the honourable senator is agreeing to include the Aboriginals when dealing with the mental health issue.

Senator Kirby: Honourable senators, I understand Senator Watt's concern. Having said that, I worry about singling out a single community that happens to have a high incidence of mental health problems in the terms of reference because then the issue becomes: Why did I not single out other communities? The honourable senator has my assurance that among the issues of mental health and mental illness that we will be talking about will be some of the issues he mentioned, such as the suicide rate, the addiction rate and so on, for which there is a higher incidence among the Aboriginal populations than among others. I would prefer not to single out a particular subgroup of the population because it then looks like we are ignoring others.

The honourable senator has my word that that will be one of the topics we will be studying. I believe it would be a mistake to put it in the formal title of the study.

Senator Stratton: Hear, hear!

Senator Watt: Can we then say that we are doing it for all?

Senator Kirby: Yes.

Senator Watt: My experience is that it is not that simple. The government at times has decided to have only fixed numbers of Aboriginal people recognized by law; therefore, they are the only ones that the government should have expenditures on. For that reason, I am trying to ensure that they are included.

If you look at the original motion and the reference to women's health, many Aboriginal women have difficulties. If we are to start making a list, let us ensure that we include everyone. That is all I am trying to say.

Senator Kirby: Honourable senators, let me try once more.

What I said is, first, that we would do a study on mental health and mental illness. Second, if we were to do a comprehensive health study — and our track record based on the last health care study is a good indication that it will be comprehensive — it would include all the major subgroups of the population for whom the incidence of mental health and mental illness in particular is significantly greater than the population as a whole, one of which, but not the only one of which, happens to be Aboriginal Canadians.

The Hon. the Speaker: Is the house ready for me to put the amendment of Senator Kinsella?

Senator Stratton: Yes.

The Hon. the Speaker: It was moved by the Honourable Senator Kinsella, seconded by the Honourable Senator Kirby, that the motion be amended as follows: that we delete all of those items in the motion starting with the letter (a), (b), (c), (e), (f) and (g), so that the second sentence of the motion will read:

In particular, the Committee shall be authorized to examine issues concerning mental health and mental illness.

Senator Kirby: I am sorry, Your Honour. The other part of the motion was that the June 30 date would be changed to May 30.

The Hon. the Speaker: Sorry, you are correct.

Further, that the last sentence of the motion be amended by substituting the word "May" for the word "June." The last sentence would read:

That the Committee submit its final report no later than May 30, 2004.

Is there debate?

Hon. Joseph A. Day: I have a point of clarification, Your Honour. When you read the amendment, I heard you read that parts (a), (b) and (c) would be deleted. That should be (a), (b) and (d).

The Hon. the Speaker: You are quite right, Senator Day. If I said (c), I was in error.

I will repeat the proposed amendment by going to the last part of the amendment. Perhaps this is the best way to do it, that the motion be amended so that the second sentence reads:

In particular, the Committee shall be authorized to examine issues concerning mental health and mental illness.

Senator Kirby: Dispense.

The Hon. the Speaker: Is the house ready for the question?

Senator Stratton: Yes.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Hon. Senators: Agreed.

The Hon. the Speaker: Carried.

Is it your pleasure, honourable senators, to adopt the motion, as amended?

Motion agreed to, as amended.

The Senate adjourned until Wednesday, February 5, at 1:30 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

The Honourable Daniel P. Hays

THE LEADER OF THE GOVERNMENT

The Honourable Sharon Carstairs, P.C.

THE LEADER OF THE OPPOSITION

The Honourable John Lynch-Staunton

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Paul Bélisle

DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES

Gary O'Brien

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Terrance J. Christopher

THE MINISTRY

According to Precedence

(February 4, 2003)

The Right Hon. Jean Chrétien	Prime Minister
The Hon. David M. Collenette	Minister of Transport
The Hon. David Anderson	Minister of the Environment
The Hon. Ralph E. Goodale	Minister of Public Works and Government Services
	Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians
The Hon. Sheila Copps	Minister of Canadian Heritage
The Hon. John Manley	Deputy Prime Minister, Minister of Finance and Minister of Infrastructure
The Hon. Anne McLellan	Minister of Health
The Hon. Allan Rock	Minister of Industry
The Hon. Lucienne Robillard	President of the Treasury Board
The Hon. Martin Cauchon	Minister of Justice and Attorney General of Canada
The Hon. Jane Stewart	Minister of Human Resources Development
The Hon. Stéphane Dion	President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs
The Hon. Pierre Pettigrew	Minister of International Trade
The Hon. Don Boudria	Leader of the Government in the House of Commons
The Hon. Lyle Vanclicf	Minister of Agriculture and Agri-Food
The Hon. Herb Dhaliwal	Minister of Natural Resources
The Hon. Claudette Bradshaw	Minister of Labour
The Hon. Robert Daniel Nault	Minister of Indian Affairs and Northern Development
The Hon. Elinor Caplan	Minister for National Revenue
The Hon. Denis Coderre	Minister of Citizenship and Immigration
The Hon. Sharon Carstairs	Leader of the Government in the Senate
The Hon. Robert G. Thibault	Minister of Fisheries and Oceans
The Hon. Rey Pagtakhan	Minster of Veterans Affairs and Secretary of State (Science, Research and Development)
The Hon. Susan Whelan	Minister for International Cooperation
The Hon. William Graham	Minister of Foreign Affairs
The Hon. Gerry Byrne	Minister of State (Atlantic Canada Opportunities Agency)
The Hon. John McCallum	Minister of National Defence
The Hon. Wayne Easter	Solicitor General of Canada
The Hon. Ethel Blondin-Andrew	Secretary of State (Children and Youth)
The Hon. David Kilgour	Secretary of State (Asia-Pacific)
The Hon. Andrew Mitchell	Secretary of State (Rural Development) (Federal Economic Development Initiative for Northern Ontario)
The Hon. Maurizio Bevilacqua	Secretary of State (International Financial Institutions)
The Hon. Paul DeVillers	Secretary of State (Amateur Sport) and Deputy Leader of the Government in the House of Commons
The Hon. Gar Knutson	Secretary of State (Central and Eastern Europe and Middle East)
The Hon. Denis Paradis	Secretary of State (Latin America and Africa) (Francophonie)
The Hon. Claude Drouin	Secretary of State (Economic Development Agency of Canada for the Regions of Quebec)
The Hon. Stephen Owen	Secretary of State (Western Economic Diversification) (Indian Affairs and Northern Development)
The Hon. Jean Augustine	Secretary of State (Multiculturalism)(Status of Women)

SENATORS OF CANADA

ACCORDING TO SENIORITY

(February 4, 2003)

Senator	Designation	Post Office Address
THE HONOURABLE		
Herbert O. Sparrow	Saskatchewan	North Battleford, Sask.
Edward M. Lawson	Vancouver	Vancouver, B.C.
Bernard Alasdair Graham, P.C.	The Highlands	Sydney, N.S.
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
C. William Doody	Harbour Main-Bell Island	St. John's, Nfld.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
E. Leo Kolber	Victoria	Westmount, Que.
Michael Kirby	South Shore	Halifax, N.S.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto-Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Daniel Phillip Hays, <i>Speaker</i>	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Brenda Mary Robertson	Riverview	Shediac, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland and Labrador	Port-au-Port, Nfld.
Eileen Rossiter	Prince Edward Island	Charlottetown, P.E.I.
Mira Spivak	Manitoba	Winnipeg, Man.
Roch Bolduc	Gulf	Sainte-Foy, Que.
Gérald-A. Beaudoin	Rigaud	Hull, Que.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Church Point, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton, N.B.
John Buchanan, P.C.	Nova Scotia	Halifax, N.S.
John Lynch-Staunton	Grandville	Georgeville, Que.
James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie, Ont.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth, N.S.
Janis G. Johnson	Winnipeg-Interlake	Gimli, Man.
A. Raynell Andreychuk	Regina	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.

Senator	Designation	Post Office Address
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs, P.C.	Manitoba	Victoria Beach, Man.
Landon Pearson	Ontario	Ottawa, Ont.
Jean-Robert Gauthier	Ottawa-Vanier	Ottawa, Ont.
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	Labrador	North West River, Labrador, Nfld.
Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Shirley Maheu	Rougemont	Saint-Laurent, Que.
Wilfred P. Moore	Stanhope St./Bluenose	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Marisa Ferretti Barth	Repentigny	Pierrefonds, Que.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Thelma J. Chalifoux	Alberta	Morinville, Alta.
Joan Cook	Newfoundland and Labrador	St. John's, Nfld.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
Francis William Mahovlich	Toronto	Toronto, Ont.
Richard H. Kroft	Manitoba	Winnipeg, Man.
Douglas James Roche	Edmonton	Edmonton, Alta.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
Ione Christensen	Yukon Territory	Whitehorse, Y.T.
George Furey	Newfoundland and Labrador	St. John's, Nfld.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Isobel Finnerty	Ontario	Burlington, Ont.
John Wiebe	Saskatchewan	Swift Current, Sask.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Raymond C. Setlakwe	The Laurentides	Thetford Mines, Que.
Yves Morin	Lauzon	Quebec, Que.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Laurier L. LaPierre	Ontario	Ottawa, Ont.
Viola Léger	Acadie/New Brunswick	Moncton, N.B.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Jean Lapointe	Saurel	Magog, Que.
Gerard A. Phalen	Nova Scotia	Glace Bay, N.S.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
Michel Biron	Mille Isles	Nicolet, Que.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld.
Raymond Lavigne	Montarville	Verdun, Que.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Papas Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette-Maltais	New Brunswick	Edmundston, N.B.

SENATORS OF CANADA

ALPHABETICAL LIST

(February 4, 2003)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Lib
Andreychuk, A. Raynell	Regina	Regina, Sask.	PC
Angus, W. David	Alma	Montreal, Que.	PC
Atkins, Norman K.	Markham	Toronto, Ont.	PC
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Lib
Bacon, Lise	De la Durantaye	Laval, Que.	Lib
Baker, George S., P.C.	Newfoundland and Labrador	Gander Nfld.	Lib
Banks, Tommy	Alberta	Edmonton, Alta.	Lib
Beaudoin, Gérald-A.	Rigaud	Hull, Que.	PC
Biron, Michel	Mille Isles	Nicolet, Que.	Lib
Bolduc, Roch	Gulf	Sainte-Foy, Que.	PC
Bryden, John G.	New Brunswick	Bayfield, N.B.	Lib
Buchanan, John, P.C.	Halifax	Halifax, N.S.	PC
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Lib
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	PC
Carstairs, Sharon, P.C.	Manitoba	Victoria Beach, Man.	Lib
Chalifoux, Thelma J.	Alberta	Morinville, Alta.	Lib
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Lib
Christensen, Ione	Yukon Territory	Whitehorse, Y.T.	Lib
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld.	PC
Comeau, Gerald J.	Nova Scotia	Church Point, N.S.	PC
Cook, Joan	Newfoundland and Labrador	St. John's, Nfld.	Lib
Cools, Anne C.	Toronto-Centre-York	Toronto, Ont.	Lib
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Lib
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Lib
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Lib
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Lib
Di Nino, Consiglio	Ontario	Downsview, Ont.	PC
Doody, C. William	Harbour Main-Bell Island	St. John's, Nfld.	PC
Eyton, J. Trevor	Ontario	Caledon, Ont.	PC
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Lib
Ferretti Barth, Marisa	Repentigny	Pierrefonds, Que.	Lib
Finnerty, Isobel	Ontario	Burlington, Ont.	Lib
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Lib
Forrestall, J. Michael	Dartmouth and the Eastern Shore	Dartmouth, N.S.	PC
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Lib
Furey, George	Newfoundland and Labrador	St. John's, Nfld.	Lib
Gauthier, Jean-Robert	Ottawa-Vanier	Ottawa, Ont.	Lib
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Lib
Grafstein, Jerahmiel S.	Metro Toronto	Toronto, Ont.	Lib
Graham, Bernard Alasdair, P.C.	The Highlands	Sydney, N.S.	Lib
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	PC
Hays, Daniel Phillip, <i>Speaker</i>	Calgary	Calgary, Alta.	Lib
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Lib
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Lib
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Lib

Senator	Designation	Post Office Address	Political Affiliation
Johnson, Janis G.	Winnipeg-Interlake	Gimli, Man.	PC
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Lib
Kelleher, James Francis, P.C.	Ontario	Sault Ste. Marie, Ont.	PC
Kenny, Colin	Rideau	Ottawa, Ont.	Lib
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	PC
Kinsella, Noël A.	Fredericton-York-Sunbury	Fredericton, N.B.	PC
Kirby, Michael	South Shore	Halifax, N.S.	Lib
Kolber, E. Leo	Victoria	Westmount, Que.	Lib
Kroft, Richard H.	Manitoba	Winnipeg, Man.	Lib
LaPierre, Laurier L.	Ontario	Ottawa, Ont.	Lib
Lapointe, Jean	Saurel	Magog, Que.	Lib
Lavigne, Raymond	Montarville	Verdun, Que.	Lib
Lawson, Edward M.	Vancouver	Vancouver, B.C.	Ind
LeBreton, Marjory	Ontario	Manotick, Ont.	PC
Léger, Viola	Acadie/New Brunswick	Moncton, N.B.	Lib
Losier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Lib
Lynch-Staunton, John	Grandville	Georgeville, Que.	PC
Maheu, Shirley	Rougemont	Saint-Laurent, Que.	Lib
Mahovlich, Francis William	Toronto	Toronto, Ont.	Lib
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	PC
Merchant, Pana Papas	Saskatchewan	Regina, Sask.	Lib
Milne, Lorna	Peel County	Brampton, Ont.	Lib
Moore, Wilfred P.	Stanhope St./Bluenose	Chester, N.S.	Lib
Morin, Yves	Lauson	Quebec, Que.	Lib
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	PC
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	PC
Oliver, Donald H.	Nova Scotia	Halifax, N.S.	PC
Pearson, Landon	Ontario	Ottawa, Ontario	Lib
Pépin, Lucie	Shawinigan	Montreal, Que.	Lib
Phalen, Gerard A.	Nova Scotia	Glace Bay, N.S.	Lib
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Ind
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Lib
Poy, Vivienne	Toronto	Toronto, Ont.	Lib
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Ind
Ringuette-Maltais, Pierrette	New Brunswick	Edmundston, N.B.	Lib
Rivest, Jean-Claude	Stadacona	Quebec, Que.	PC
Robertson, Brenda Mary	Riverview	Shediac, N.B.	PC
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Lib
Roche, Douglas James	Edmonton	Edmonton, Alta.	Ind
Rompkey, William H., P.C.	Labrador	North West River, Labrador, Nfld.	Lib
Rossiter, Eileen	Prince Edward Island	Charlottetown, P.E.I.	PC
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	CA
Setlakwe, Raymond C.	The Laurentides	Thetford Mines, Que.	Lib
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Lib
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Lib
Sparrow, Herbert O.	Saskatchewan	North Battleford, Sask.	Lib
Spivak, Mira	Manitoba	Winnipeg, Man.	PC
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Lib
Stratton, Terrance R.	Red River	St. Norbert, Man.	PC
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	PC
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Lib
Wiebe, John.	Saskatchewan	Swift Current, Sask.	Lib

SENATORS OF CANADA
BY PROVINCE AND TERRITORY

(February 4, 2003)

ONTARIO—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Lowell Murray, P.C.	Pakenham	Ottawa
2 Peter Alan Stollery	Bloor and Yonge	Toronto
3 Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4 Jeremiah S. Grafstein	Metro Toronto	Toronto
5 Anne C. Cools	Toronto-Centre-York	Toronto
6 Colin Kenny	Rideau	Ottawa
7 Norman K. Atkins	Markham	Toronto
8 Consiglio Di Nino	Ontario	Downsview
9 James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie
10 John Trevor Eyton	Ontario	Caledon
11 Wilbert Joseph Keon	Ottawa	Ottawa
12 Michael Arthur Meighen	St. Marys	Toronto
13 Marjory LeBreton	Ontario	Manotick
14 Landon Pearson	Ontario	Ottawa
15 Jean-Robert Gauthier	Ottawa-Vanier	Ottawa
16 Lorna Milne	Peel County	Brampton
17 Marie-P. Poulin	Northern Ontario	Ottawa
18 Francis William Mahovlich	Toronto	Toronto
19 Vivienne Poy	Toronto	Toronto
20 Isobel Finnerty	Ontario	Burlington
21 Laurier L. LaPierre	Ontario	Ottawa
22 David P. Smith, P.C.	Cobourg	Toronto
23		
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SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 E. Leo Kolber	Victoria	Westmount
2 Charlie Watt	Inkerman	Kuujuuaq
3 Pierre De Bané, P.C.	De la Vallière	Montreal
4 Roch Bolduc	Gulf	Sainte-Foy
5 Gérard-A. Beaudoin	Rigaud	Hull
6 John Lynch-Staunton	Grandville	Georgeville
7 Jean-Claude Rivest	Stadacona	Quebec
8 Marcel Prud'homme, P.C.	La Salle	Montreal
9 W. David Angus	Alma	Montreal
10 Pierre Claude Nolin	De Salaberry	Quebec
11 Lise Bacon	De la Durantaye	Laval
12 Céline Hervieux-Payette, P.C.	Bedford	Montreal
13 Shirley Maheu	Rougemont	Ville de Saint-Laurent
14 Lucie Pépin	Shawinigan	Montreal
15 Marisa Ferretti Barth	Repentigny	Pierrefonds
16 Serge Joyal, P.C.	Kennebec	Montreal
17 Joan Thorne Fraser	De Lorimier	Montreal
18 Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
19 Raymond C. Setlakwe	The Laurentides	Thetford Mines
20 Yves Morin	Lauzon	Quebec
21 Jean Lapointe	Saurel	Magog
22 Michel Biron	Milles Isles	Nicolet
23 Raymond Lavigne	Montarville	Verdun
24	De Lanaudière	

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Bernard Alasdair Graham, P.C.	The Highlands	Sydney
2 Michael Kirby	South Shore	Halifax
3 Gerald J. Comeau	Nova Scotia	Church Point
4 Donald H. Oliver	Nova Scotia	Halifax
5 John Buchanan, P.C.	Halifax	Halifax
6 J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth
7 Wilfred P. Moore	Stanhope St./Bluenose	Chester
8 Jane Cordy	Nova Scotia	Dartmouth
9 Gerard A. Phalen	Nova Scotia	Glace Bay
10 .....	.....	.....

NEW BRUNSWICK—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Eymard Georges Corbin	Grand-Sault	Grand-Sault
2 Brenda Mary Robertson	Riverview	Shediac
3 Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton
4 John G. Bryden	New Brunswick	Bayfield
5 Rose-Marie Losier-Cool	Tracadie	Bathurst
6 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
7 Viola Léger	Acadie/New Brunswick	Moncton
8 Joseph A. Day	Saint John-Kennebecasis	Hampton
9 Pierrette Ringuette-Maltais	New Brunswick	Edmundston
10 .....	.....	.....

PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Eileen Rossiter	Prince Edward Island	Charlottetown
2 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
3 Elizabeth M. Hubley	Prince Edward Island	Kensington
4 .....	.....	.....

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Mira Spivak	Manitoba	Winnipeg
2 Janis G. Johnson	Winnipeg-Interlake	Gimli
3 Terrance R. Stratton	Red River	St. Norbert
4 Sharon Carstairs, P.C.	Manitoba	Victoria Beach
5 Richard H. Kroft	Manitoba	Winnipeg
6 Maria Chaput	Manitoba	Sainte-Anne

BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Edward M. Lawson	Vancouver	Vancouver
2 Jack Austin, P.C.	Vancouver South	Vancouver
3 Pat Carney, P.C.	British Columbia	Vancouver
4 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
5 Ross Fitzpatrick	Okanagan-Similkameen	Kelowna
6 Mobina S.B. Jaffer	British Columbia	North Vancouver

SASKATCHEWAN—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Herbert O. Sparrow	Saskatchewan	North Battleford
2 A. Raynell Andreychuk	Regina	Regina
3 Leonard J. Gustafson	Saskatchewan	Macoun
4 David Tkachuk	Saskatchewan	Saskatoon
5 John Wiebe	Saskatchewan	Swift Current
6 Pana Papas Merchant	Saskatchewan	Regina

ALBERTA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Daniel Phillip Hays, <i>Speaker</i>	Calgary	Calgary
2 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
3 Thelma J. Chalifoux	Alberta	Morinville
4 Douglas James Roche	Edmonton	Edmonton
5 Tommy Banks	Alberta	Edmonton
6		

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 C. William Doody	Harbour Main-Bell Island	St. John's
2 Ethel Cochrane	Newfoundland and Labrador	Port-au-Port
3 William H. Rompkey, P.C.	Labrador	North West River, Labrador
4 Joan Cook	Newfoundland and Labrador	St. John's
5 George Furey	Newfoundland and Labrador	St. John's
6 George S. Baker, P.C.	Newfoundland and Labrador	Gander

NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Willie Adams	Nunavut	Rankin Inlet

YUKON TERRITORY—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Ione Christensen	Yukon Territory	Whitehorse

ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES
(As of February 4, 2003)

*Ex Officio Member

ABORIGINAL PEOPLES

Chair: Honourable Senator Chalifoux Deputy Chair: Honourable Senator Robertson

Honourable Senators:

Carney,	Christensen,	* Lynch-Staunton,	Sibbeston,
Carstairs,	Gill,	(or Kinsella)	St. Germain,
(or Robichaud)	Hubley,	Pearson,	Stratton,
Chalifoux,	Leger,	Robertson	Tkachuk.

Original Members as nominated by the Committee of Selection

Carney, *Carstairs (or Robichaud), Chalifoux, Christensen, Gill, Hubley, Johnson, Léger, *Lynch-Staunton (or Kinsella), Pearson, Sibbeston, St. Germain, Tkachuk.

AGRICULTURE AND FORESTRY

Chair: Honourable Senator Oliver Deputy Chair: Honourable Senator Wiebe

Honourable Senators:

* Carstairs,	Fairbairn,	LeBreton,	Oliver,
(or Robichaud)	Gustafson,	* Lynch-Staunton,	Tkachuk,
Chalifoux,	Hubley,	(or Kinsella)	Wiebe.
Day,	LaPierre,	Moore,	

Original Members as nominated by the Committee of Selection

*Carstairs (or Robichaud), Chalifoux, Day, Fairbairn, Gustafson, Hubley, LaPierre, Lapointe, LeBreton, *Lynch-Staunton (or Kinsella), Moore, Oliver, Tkachuk, Wiebe.

BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Kolber Deputy Chair: Honourable Senator Tkachuk

Honourable Senators:

* Angus,	Hervieux-Payette,	* Lynch-Staunton,	Prud'homme,
Carstairs,	Kelleher,	(or Kinsella)	Setlakwe,
(or Robichaud)	Kolber,	Meighen,	Tkachuk.
Fitzpatrick,	Kroft,	Poulin,	

Original Members as nominated by the Committee of Selection

Angus, *Carstairs (or Robichaud), Fitzpatrick, Hervieux-Payette, Kelleher, Kolber, Kroft, *Lynch-Staunton (or Kinsella), Meighen, Poulin, Prud'homme, Setlakwe, Taylor, Tkachuk.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

Chair: Honourable Senator Banks

Deputy Chair: Honourable Senator Spivak

Honourable Senators:

Baker,	Christensen,	Kenny,	Milne,
Banks,	Cochrane,	* Lynch-Staunton,	Spivak,
Buchanan,	Eyton,	(or Kinsella)	Watt.
* Carstairs,	Finnerty,		
(or Robichaud)			

Original Members as nominated by the Committee of Selection

*Baker, Banks, Buchanan, *Carstairs (or Robichaud), Christensen, Cochrane, Eyton, Finnerty, Kenny, *Lynch-Staunton (or Kinsella), Milne, Spivak, Taylor, Watt.*

FISHERIES

Chair: Honourable Senator Comeau

Deputy Chair: Honourable Senator Cook

Honourable Senators:

Adams,	Cochrane,	Johnson,	Meighen,
Baker,	Comeau,	* Lynch-Staunton,	Moore,
* Carstairs,	Cook,	(or Kinsella)	Phalen,
(or Robichaud)	Hubley,	Mahovlich,	Watt.

Original Members as nominated by the Committee of Selection

*Adams, Baker, *Carstairs (or Robichaud), Cochrane, Comeau, Cook, Hubley, Johnson, *Lynch-Staunton (or Kinsella), Mahovlich, Moore, Phalen, Robertson, Watt*

FOREIGN AFFAIRS

Chair: Honourable Senator Stollery

Deputy Chair: Honourable Senator Di Nino

Honourable Senators:

Andreychuk,	* Carstairs,	Di Nino,	* Lynch-Staunton,
Austin,	(or Robichaud)	Grafstein,	(or Kinsella)
Bolduc,	Corbin,	Graham,	Setlakwe,
Carney,	De Bané,	Losier-Cool,	Stollery.

Original Members as nominated by the Committee of Selection

*Andreychuk, Austin, Bolduc, Carney, *Carstairs (or Robichaud), Corbin, De Bané, Di Nino, Grafstein, Graham, Losier-Cool, *Lynch-Staunton (or Kinsella), Setlakwe, Stollery.*

HUMAN RIGHTS

Chair: Honourable Senator Maheu

Deputy Chair: Honourable Senator Rossiter

Honourable Senators:

Beaudoin,	Fraser,	* Lynch-Staunton,	Poy,
Carstairs,	Jaffer,	(or Kinsella)	Rivest,
(or Robichaud)	LaPierre,	Maheu,	Rossiter.
Ferretti Barth,			

Original Members as nominated by the Committee of Selection
*Beaudoin, *Carstairs (or Robichaud), Ferretti Barth, Fraser, Jaffer, LaPierre,*
**Lynch-Staunton (or Kinsella), Maheu, Poy, Rivest, Rossiter.*

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair: Honourable Senator Bacon

Deputy Chair: Honourable Senator Atkins

Honourable Senators:

Angus,	Bryden,	Gauthier,	* Lynch-Staunton,
Atkins,	* Carstairs,	Gill,	(or Kinsella)
Austin,	(or Robichaud)	Jaffer,	Poulin,
Bacon,	De Bané,	Kroft,	Robichaud,
Bolduc,	Eyton,		Stratton.

Original Members as nominated by the Committee of Selection
*Angus, Atkins, Austin, *Carstairs (or Robichaud), Bacon, Bryden, De Bané, Doody, Eyton, Gauthier,*
*Gill, Jaffer, Kroft, *Lynch-Staunton (or Kinsella), Poulin, Robichaud, Stratton.*

LEGAL AND CONSTITUTIONAL AFFAIRS

Chair: Honourable Senator Furey

Deputy Chair: Honourable Senator Beaudoin

Honourable Senators:

Andreychuk,	* Carstairs,	Jaffer,	Nolin,
Baker,	(or Robichaud)	Joyal,	Pearson,
Beaudoin,	Cools,	* Lynch-Staunton,	Smith,
Bryden,	Furey,	(or Kinsella)	Stratton.

Original Members as nominated by the Committee of Selection
*Andreychuk, Baker, Beaudoin, Bryden, Buchanan, *Carstairs (or Robichaud), Cools, Furey,*
*Jaffer, Joyal, *Lynch-Staunton (or Kinsella), Nolin, Pearson, Smith.*

LIBRARY OF PARLIAMENT (Joint)

Joint Chair:

Vice-Chair:

Honourable Senators:

Bolduc,	Lapointe,	Morin,	Poy.
Forrestall,			

Original Members agreed to by Motion of the Senate
Bolduc, Forrestall, Lapointe, Morin, Poy.

NATIONAL FINANCE

Chair: Honourable Senator Murray

Deputy Chair: Honourable Senator Day

Honourable Senators:

Biron,	Comeau,	Ferretti Barth,	* Lynch-Staunton,
Bolduc,	Cools,	Finnerty,	(or Kinsella)
* Carstairs,	Day,	Furey,	Mahovlich,
(or Robichaud)	Doody,	Gauthier,	Murray.

Original Members as nominated by the Committee of Selection
*Biron, Bolduc, *Carstairs (or Robichaud), Cools, Day, Doody, Eyton, Ferretti Barth, Finnerty,*
*Furey, Gauthier, *Lynch-Staunton (or Kinsella), Mahovlich, Murray.*

NATIONAL SECURITY AND DEFENCE

Chair: Honourable Senator Kenny

Deputy Chair: Honourable Senator Forrestall

Honourable Senators:

Atkins,	Cordy,	Kenny,	Meighen,
Banks,	Day,	* Lynch-Staunton,	Smith,
* Carstairs,	Forrestall,	(or Kinsella)	Wiebe.
(or Robichaud)			

Original Members as nominated by the Committee of Selection
*Atkins, Banks, *Carstairs (or Robichaud), Cordy, Day, Forrestall, Kenny,*
**Lynch-Staunton (or Kinsella), Meighen, Smith, Wiebe.*

VETERANS AFFAIRS

(Subcommittee of National Security and Defence)

Chair: Honourable Senator Meighen

Deputy Chair: Honourable Senator Day

Honourable Senators:

Atkins,	Day,	* Lynch-Staunton,	Meighen,
Carstairs,	Kenny,	(or Kinsella)	Wiebe.
(or Robichaud)			

OFFICIAL LANGUAGES

Chair: Honourable Senator Losier-Cool

Deputy Chair: Honourable Senator Keon

Honourable Senators:

Beaudoin,	Comeau,	Lapointe,	* Lynch-Staunton,
Carstairs,	Gauthier,	Léger,	(or Kinsella)
(or Robichaud)	Keon,	Losier-Cool,	Maheu.

Original Members agreed to by Motion of the Senate

*Beaudoin, *Carstairs (or Robichaud), Comeau, Ferretti Barth, Gauthier, Keon, Lapointe, Léger, Losier-Cool, *Lynch-Staunton (or Kinsella), Maheu.*

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

Chair: Honourable Senator Milne

Deputy Chair: Honourable Senator Andreychuk

Honourable Senators:

Andreychuk,	Grafstein,	Murray,	Rompkey,
Bacon,	Joyal,	Pépin,	Smith,
* Carstairs,	* Lynch-Staunton,	Pitfield,	Stratton,
(or Robichaud)	(or Kinsella)	Robertson,	Wiebe.
Di Nino,	Milne,		

Original Members as nominated by the Committee of Selection

*Andreychuk, Bacon, *Carstairs (or Robichaud), Di Nino, Grafstein, Joyal, Losier-Cool, *Lynch-Staunton (or Kinsella), Milne, Murray, Pépin, Pitfield, Robertson, Rompkey, Smith, Stratton, Wiebe.*

SCRUTINY OF REGULATIONS (Joint)

Joint Chair: Honourable Hervieux-Payette

Vice-Chair:

Honourable Senators:

Biron,	Hubley,	Moore,	Phalen.
Hervieux-Payette,	Kelleher,	Nolin,	

Original Members as agreed to by Motion of the Senate

Biron, Hervieux-Payette, Hubley, Kelleher, Moore, Nolin, Phalen.

SELECTION

Chair: Honourable Senator Rompkey

Deputy Chair: Honourable Senator Stratton

Honourable Senators:

Bacon,	De Bané,	Kolber,	Rompkey,
* Carstairs,	Fairbairn,	LeBreton,	Stratton,
(or Robichaud)	Kinsella,	* Lynch-Staunton,	Tkachuk.
		(or Kinsella)	

Original Members agreed to by Motion of the Senate

*Bacon, *Carstairs, (or Robichaud), De Bané, Fairbairn, Kinsella, Kolber, LeBreton, *Lynch-Staunton, (or Kinsella), Rompkey, Stratton, Tkachuk.*

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

Chair: Honourable Senator Kirby

Deputy Chair: Honourable Senator LeBreton

Honourable Senators:

Callbeck,	Cordy,	Kinsella,	* Lynch-Staunton,
* Carstairs,	Di Nino,	Kirby,	(or Kinsella)
(or Robichaud)	Fairbairn,	LeBreton,	Morin,
Cook,	Keon,	Léger,	Roche.

Original Members as nominated by the Committee of Selection

*Callbeck *Carstairs (or Robichaud), Cook, Cordy, Di Nino Fairbairn, Keon, Kirby, LeBreton, *Lynch-Staunton (or Kinsella), Morin, Pépin, Robertson, Roche.*

TRANSPORT AND COMMUNICATIONS

Chair: Honourable Senator Fraser

Deputy Chair: Honourable Senator Gustafson

Honourable Senators:

Adams,	Day,	Graham,	* Lynch-Staunton,
Biron,	Eyton,	Gustafson,	(or Kinsella)
Callbeck,	Fraser,	Johnson,	Phalen,
Carstairs,		LaPierre,	Spivak.
(or Robichaud)			

Original Members as nominated by the Committee of Selection

*Adams, Biron, Callbeck, *Carstairs (or Robichaud), Day, Eyton, Fraser,
Graham, Gustafson, Johnson, LaPierre,*Lynch-Staunton (or Kinsella), Phalen, Spivak.*

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CANADA

Debates of the Senate

2nd SESSION

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37th PARLIAMENT

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VOLUME 140

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NUMBER 32

OFFICIAL REPORT
(HANSARD)

Wednesday, February 5, 2003

—

THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Wednesday, February 5, 2003

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

THE LATE RIGHT HONOURABLE RAMON JOHN HNATYSHYN, P.C., C.C., C.M.M., C.D., Q.C.

TRIBUTES

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I rise today to speak about the loss of a very special Canadian. The Right Honourable Ramon John Hnatyshyn was a Governor General with a special place in the hearts of Canadians. His personal warmth and the interest he took in people were his hallmarks. He was able to bridge the distance between his office and the Canadian people, and he managed to impart his love and appreciation for being Canadian to everyone he met.

In my province, and in the other Prairie provinces, this first Governor General of Ukrainian background was particularly appreciated. He made Rideau Hall a place of the people when he opened the grounds to the public. By creating the Governor General's Summer Concert Series and by reopening the skating rink to members of the public, Canadians were welcomed and felt welcomed to their place.

Mr. Hnatyshyn and his wife were most welcome patrons of the arts. He created the Governor General's Performing Arts Awards and the Ramon John Hnatyshyn Award for Volunteerism in the Arts. It was so typical, I think, of him that he would recognize the often-unsung hero and heroine, the volunteer.

Mr. Hnatyshyn was a strong supporter of multiculturalism, literacy and education. In 1989, he was honoured with the St. Volodymyr Medal Award from the World Congress of Ukrainians in recognition of "outstanding contribution to the cause of justice and civil liberties."

We were all witness to the outpouring of affection and respect from Canadians upon hearing of his death, and he will always occupy a special place in the history and in the hearts of the Canadian people, most particularly because he was taken from us much too young.

Hon. Lowell Murray: Honourable senators, I thank the Honourable Leader of the Government for the warm tribute she has just paid to our late friend. The life of the Right Honourable Ramon Hnatyshyn is a remarkable Canadian story in both its political and personal dimensions. In the House of Commons, he served as House leader in opposition and later in government. The House leader is at the forefront of the parliamentary struggle, yet he must know how to rise above it. The good House leader enjoys the confidence of his own caucus colleagues and, at least equally important, the trust of his adversaries. House leaders have, in their hands, the daily business of Parliament and also, to some extent, the well-being of the institution itself.

Of the various cabinet offices Ray Hnatyshyn held in the Clark and Mulroney governments, it was the justice portfolio that he

had always wanted, that he most loved and where he best shone. Like the House leader, the good justice minister is a person apart. He is a member of a political team but must sometimes transcend party and even cabinet loyalty. This is because the Minister of Justice, pre-eminently among ministers, owes a primary duty to the criteria of his profession, to the rule of law and to the principles of natural justice. He must never let government lose sight of these. Uniquely and surpassingly among ministers, the justice minister must be trustworthy.

In all those respects, as in his dedication to Parliament and his commitment to the law, Ray Hnatyshyn the minister was never ever found wanting. It is no secret that, as House leader, he was never partisan enough for some of his colleagues and, as justice minister, never conservative enough for some, but he was his own man. The affability and good-humoured banter was his way of bringing blessed moderation and proportion to apparently intractable and confrontational issues. If, occasionally, it meant exposing absurdity and shocking some, then too bad they did not have a better sense of humour.

He was a person of sound principles and intellect and of the most humane instincts and convictions. He was a westerner and during his political career a Tory, but nobody was going to tell him how a westerner or a Tory should think or act. As a young lawyer in Saskatoon, his community service ranged from chairmanship of the United Way, to presidency of the United Nations Association. Ray Hnatyshyn was thinking globally and acting locally before the slogan was coined.

His hero had been John Diefenbaker, another Saskatchewan lawyer and champion of minorities and human rights. In 1974, he proudly joined Mr. Diefenbaker in the House of Commons. When, on one occasion, Mr. Diefenbaker departed from his principles on a capital punishment vote, Ray stuck with the principles — and parted with the Chief.

During his final mandate in Parliament, it fell to Ray Hnatyshyn to carry, through the House of Commons, the new Official Languages Act of 1988, the Meech Lake Constitutional Accord, and the early resolutions aimed at filling the legislative vacuum on abortion. His cabinet responsibilities and mine overlapped on those three issues. In him, I always had — all of us had — the most thoughtful, well-informed, collegial and supportive of colleagues. I do not know, because being Ray he never said, how much one or other or all of those three great and controversial issues may have contributed to the loss of his own seat in the November 1988 election. Perhaps, in his constituency, the election had turned on the free trade issue. If so, it would be somewhat ironic. It was in consultation with Ray Hnatyshyn that the retired Mr. Justice Emmett Hall decided to intervene in that campaign to disprove the alarmist propaganda of those who suggested that universal health care was threatened by the free trade agreement. Those Canadians who had been frightened by some of the campaign rhetoric were reassured by Justice Hall's intervention, and it may well be that more than one of Ray's colleagues owed their election or re-election to this.

[Translation]

When he became Governor General in 1990, criticism arose because he had just left the federal political arena. By the end of his mandate, however, reporters remembered, first and foremost, how he opened Rideau Hall to the public. They pointed out that he brought the Crown and the people of Canada closer. They emphasized his dedication to artists, youth and the promotion of education and multiculturalism. As Senator Carstairs said, through these concrete initiatives, both Mr. and Mrs. Hnatyshyn have left their mark on the institution of Governor General of Canada and on Canada.

• (1340)

In 1907, his father came to Canada from the Ukraine when he was only two months old. In 1959, John Hnatyshyn, a lawyer by profession, was appointed to this House and became both the first senator for Saskatoon and the first senator of Ukrainian descent. You can therefore imagine what an emotional experience it was for his son, the Right Honourable Ramon Hnatyshyn, a first generation Canadian, to travel to the Ukraine in 1992 on an official visit as the Governor General of Canada. This is a remarkable page in Canadian history.

[English]

We may be humbly grateful for a country where such a story is possible, and we may pray that this country will continue to be worthy of such people as the Hnatyshyns.

Hon. A. Raynell Andreychuk: Honourable senators, I, too, want to pay tribute to the exceptional life and contribution of the late Right Honourable Ramon Hnatyshyn. To someone growing up in Saskatoon, as I did, the Hnatyshyn family was well known for their contributions to the community, to Canada and to a broader field.

Ramon Hnatyshyn's father was the first senator of Ukrainian heritage, appointed by the Right Honourable John Diefenbaker. His mother, Helen, contributed greatly to the acceleration of rights and opportunities for women through her varied associations and organizations, including the United Nations conferences on women.

With that parental background, Mr. Hnatyshyn was quickly committed to a life of excellence in his profession and to public service, something which he did throughout his life. In his years of practice in Saskatoon, he was involved in many institutions and organizations, including many Ukrainian organizations. I will not, at this time, point out the many varied ways that he contributed not only to the life and fabric of Ukrainians in Canada but to the multicultural fabric of Canada. Perhaps I will do that at a later date.

Suffice to say that I have been overwhelmed by the comments to me personally, as I travelled throughout Canada, by ordinary Canadians who knew of his accomplishments. Each had their own story that served to illustrate Mr. Hnatyshyn's sense of humour.

Throughout his political career, in particular when he was appointed Minister of Justice, his sense of social justice and

concern for minorities led him to take on many issues of injustice. In particular, one can point to his commitment to attacking crimes against humanity.

When he became the first Governor General of Ukrainian heritage, he served as a role model to some 1 million Ukrainian Canadians, showing them that their contribution could and would be accepted in our broad society and would enrich the policies, practices and daily life of Canada.

One can never underestimate the symbolic value of such an event to those whose roots are neither English nor French. What is interesting about Mr. Hnatyshyn is that this was not mere symbolism. He went on to live a life of which any Canadian could be proud. Consequently, it was not token action but real and sustained effort on his part that led Canadians from all walks of life to believe that they can contribute, through their skills and commitment, to enriching their roots and their heritage.

While he took issues seriously, Ray Hnatyshyn rarely took himself seriously. His wit, his down-to-earth nature, his openness and his ability to meet with people on their terms created environments and opportunities in which not only he could achieve success, but in which he could encourage others.

Ray Hnatyshyn was a true role model. He was a role model in expressing a love of his roots and a respect for the struggle of his forefathers that could be blended into a commitment to the goals and ideals of Canada. I, for one, benefited from being raised in Saskatoon and Saskatchewan and gained from his example.

His example extended to the entire multiculturalism community. Dr. Dmytro Cipywnyk, Past President of the Canadian Ethnocultural Council, remembered the former Governor General with admiration when he stated:

He was an exemplary statesman and model politician who served Canada with pride and dignity. He opened the doors of Rideau Hall to all Canadians from all walks of life and cultures. It was during his tenure that the Canadian Ethnocultural Council was granted its own Coat of Arms, through the Governor General's Canadian Heraldic Authority. The CEC's Coat of Arms demonstrates that multicultural diversity is a natural element in our society with the power to strengthen us. At that occasion, Mr. Hnatyshyn reminded the CEC that it was important to reflect that people came from many places to build this great country and that this heritage contributes to our values and our foundation for the future. This was part of his legacy to all Canadians.

It is the measure of a man who could take these opportunities and have this kind of legacy. His example will surely live on.

I extend my condolences to Gerda, who shared and was committed to many of his values and who spent many hours in support of his activities. I also extend my condolences to his sons and the entire Hnatyshyn family. I appreciate that they so generously shared the life of Ramon Hnatyshyn with so many of us.

Hon. David Tkachuk: Honourable senators, much of what I intended to say about the life of Ray Hnatyshyn has already been said.

Ray Hnatyshyn was an important role model because of the way he conducted himself as a member of Parliament. When I was first appointed to this place in 1994, all the talk was about direct democracy. Honourable senators may remember that, at the time, much was being said about how important it was that constituents be polled to see how they wanted their members of Parliament to vote on certain issues. Any member of Parliament who voted against what his constituents wanted was considered not to be a good member of Parliament. Ray Hnatyshyn was a politician who did not need to do that.

• (1350)

I will give honourable senators two examples. I met Ray Hnatyshyn after the 1974 election when we were trying to build the Saskatchewan Conservative Party. There were different coalitions in those days. The federal party people in Saskatchewan did not want to get involved with Saskatchewan PCs because they had a deal with the Liberals to defeat the NDP. John Diefenbaker, the member of Parliament for my riding and whom I admire with all my heart, disappointed me greatly because, in that campaign of 1975, he did not come out and campaign for us because of whatever coalition he had with Davy Stuart in Prince Albert. However, Ray Hnatyshyn helped out the provincial Conservative Party, and it was in a riding in Saskatoon that was not normally Conservative. Ray Hnatyshyn helped out by knocking on doors for a party that had no seats in a riding he had just won, and it was at great political peril to him. Ray Hnatyshyn also had Gerda Hnatyshyn knocking on doors. All his campaign people were knocking on doors.

Honourable senators, Ray Hnatyshyn won the next election in 1979. Ray Hnatyshyn was an abolitionist in a riding that was probably considered a hang-them-high riding. Probably 80 per cent were in favour of capital punishment. Ray Hnatyshyn did not poll the members to say what was the right thing. Ray Hnatyshyn exemplified what I think every member of Parliament should be. Running an election campaign can be one of the most difficult things and yet one of the most satisfying things, and I admire people who get re-elected, time and again, over the years.

However, he understood something that all good members of Parliament understand, that a man or a woman is judged by what they do over a period of time and not on one particular thing they stand for. The people of Saskatoon and Saskatchewan elected Ray Hnatyshyn in 1974, 1979, 1980, and 1984. He served for 14 years. There is no greater tribute than having your peers send you to this great place in Ottawa. It shows what they thought of him.

On behalf of all the volunteers for the Conservative Party in the Province of Saskatchewan and federally whom he worked so hard for, I extend condolences and sympathy to Gerda, Carl, John and the rest of their extended family.

[Translation]

Hon. Jean-Robert Gauthier: Honourable senators, I came to know Ray Hnatyshyn well in the House of Commons. He made a great impression on me as Minister of Justice and as Government

House Leader. At the time, I was my party's whip, so we met nearly every day to discuss strategy and agenda issues. Back then, in the House, there were only 40 Liberal members of Parliament, out of 210. Never, as Government House Leader, did Ray Hnatyshyn make us feel we were in actual disagreement. He always knew the right thing to say. He was a likeable man with a disarming smile.

When he was appointed Governor General, honourable senators will recall that I was the member for Ottawa—Vanier. I called him up to congratulate him, and added: "By the way, Ray, maybe you could open the gates to that 100-acre property you will now call home." His answer was: "Don't worry about it." And he did open Rideau Hall to the public. That, for me, was something important.

He was a man of the people who wanted to encourage dialogue, peace and friendship. I would like his wife Gerda to know how much we miss him.

[English]

Hon. Leonard J. Gustafson: Honourable senators, I have a brief comment about Ray Hnatyshyn that is in somewhat of a lighter vein.

Ray could bring a smile to anyone, even while discussing a serious subject. We were in the Prime Minister's office one day when he said, "Len, some day you will understand hunky power." At the reception after he had assumed the high office of Governor General, my wife and I were going through the greeting line. When I shook his hand, I said, "Ray, now I understand hunky power." He could always get people to smile.

Hon. Joyce Fairbairn: Honourable senators, it is fair to say, perhaps, that Canadians who listen to the radio, watch television or read their newspapers about life on Parliament Hill come to the conclusion that, generally speaking, the inhabitants of Parliament Hill do not get along very well with each other, that this is a place of conflict, a place of sometimes bitter argument and that everyone stands firmly behind their political label while questioning what is wrong with the other folks.

I wish to say a word about Ray Hnatyshyn today because Parliament Hill, both chambers, can be, if you wish it to be, a place where terrific friendships are built, no matter what party you support or what caucus you sit in, and the Senate is a great example of that.

Ray Hnatyshyn and I were friends over a long period of time on Parliament Hill. I will always remember him as one of a younger group of feisty Conservative members of Parliament from Western Canada. He always had just a touch of wonderment over the fact that he was here on Parliament Hill representing his province, representing his area, representing Ukrainians. It was part of his humility, I think, over what he thought was his great good fortune to become a member of Parliament, that endeared him so much to all of us.

He worked enormously hard at what he did. Perhaps the greatest tribute from his colleagues today is that he managed to work in government, in difficult portfolios, and at the same time, hang on to his own principles and, in the end, do it his way.

His entry into Rideau Hall as Governor General was, I think, more than he could ever have anticipated or dreamed of, and he carried out his responsibilities as Governor General in that very spirit. I do not think anyone whoever entered Government House will recall that period without remembering one thing about Ray Hnatyshyn, and that was his smile. It was there all the time, along with the warmth and the fact that once again, he never forgot where he came from. He understood all the people who would walk through those doors, the high, the mighty, and the ordinary Canadians who cared for their country as he cared for it, passionately and emotionally.

• (1400)

He would be the first to say that he could not have done what he did without the strength and support of Gerda, who was like a rock for him, throughout the time he was here and certainly in those final days. My friendship and heart goes out to Gerda and her family. I hope that they are comforted with the knowledge that they have such terrific memories of a wonderful Canadian, memories that could only be imagined by others.

SENATOR'S STATEMENT

AGRICULTURE AND AGRI-FOOD

NET INCOME STABILIZATION ACCOUNT

Hon. Donald H. Oliver: Honourable senators, small farming operations may soon be a thing of the past in Canada. Government policies limiting access to funding in times of need and changing attitudes toward the rural way of life in general are weakening small, family-run operations.

The number of farms in Canada is declining rapidly. The 2001 census indicated a loss of approximately 30,000 farms in our country, representing a 10 per cent decline over a four-year period. The number of younger farmers has been declining as well. Statistics Canada shows that in 1991 there were 18,435 farmers under the age of 35. In 2001, there were fewer than 9,000 people under the age of 35 engaged in farming activities, a drop of 52 per cent.

Problems in the design of government policy have played a part in the decline of small farm operations in Canada. The Net Income Stabilization Account, or NISA, is a system designed to provide supplemental funding to farmers in times of need. Under NISA, participating farmers can contribute up to 3 per cent of their eligible net sales annually. Participating governments match the deposits made by the farmers until a maximum balance is reached. In each case, the maximum account balance is determined by the annual sales of the operation averaged over a number of years.

[Senator Fairbairn]

The idea behind NISA is to provide farmers with a safety net for the bad years when the crops fail or when prices do not match the cost of production. However, access to funds in NISA must be triggered either by suffering a huge loss in that year or by becoming destitute. The trigger mechanism is the weakest part of the program. In 2001, Ipsos-Reid prepared a NISA review report for Agriculture and Agri-Food Canada that clearly identified the trigger mechanism as the program's greatest weakness. The report said:

Improved access is the change desired by the largest number. Many stakeholders want the triggers eliminated or somehow altered to allow quicker and easier access to the accounts. Contributors frustrated with the program were often very aggravated by their inability to get money when they needed it.

The result of the flawed trigger policy is twofold. Access to funding is not provided when it is really needed, and the increasing balances in the NISA accounts give the federal government the false impression that farmers do not need assistance. Under the current policy guidelines, the balances in the accounts are increasing to their maximum limit because a withdrawal cannot be triggered.

Honourable senators, the Department of Agriculture and Agri-Food now has proof that the trigger policy should be altered to allow greater access to NISA funds. The users of NISA have identified the trigger mechanism as the major problem with the program. If a change is not made to allow greater access, small farms in Canada may become extinct. Our farmers should be able to access their NISA funds in times of need, not just when policy dictates.

[Translation]

ROUTINE PROCEEDINGS

STATISTICS ACT

BILL TO AMEND—FIRST READING

Hon. Fernand Robichaud (Deputy Leader of the Government) introduced Bill S-13, to amend the Statistics Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Robichaud, bill placed on the Orders of the Day for second reading two days hence.

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

FOURTH PART OF 2002 ORDINARY SESSION
OF PARLIAMENTARY ASSEMBLY OF COUNCIL
OF EUROPE, SEPTEMBER 23-27, 2002—REPORT TABLED

Hon. Lucie Pépin: Honourable senators, I have the honour to table the report of the Canadian delegation of the Canada-Europe Parliamentary Association to the fourth part of the 2002 ordinary session of the Parliamentary Assembly of the Council of Europe, held in Strasbourg, France, September 23-27, 2002.

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY NORTHWEST TERRITORIES ACT

Hon. Jean-Robert Gauthier: Honourable senators, I give notice that on Tuesday next, February 11, I shall move:

That the Standing Committee on Official Languages be authorized to consider the issue of official languages in the Northwest Territories, and

That the Committee report no later than April 11, 2003.

PRIVACY COMMISSIONER

NOTICE OF MOTION TO RECEIVE IN COMMITTEE
OF THE WHOLE AND TO AUTHORIZE
ELECTRONIC COVERAGE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I give notice that on Tuesday next, February 11, I shall move:

That the Report of the Privacy Commissioner for the fiscal year ended March 31, 2002, tabled in the Senate on Tuesday, February 4, 2003, be referred to a Committee of the Whole for the purpose of hearing the Privacy Commissioner, Mr. George Radwanski, and making a report, and

That the Cable Public Affairs Channel (CPAC) be authorized to bring television cameras into the Chamber to broadcast the proceedings of the Committee of the Whole, with the least possible disruption of the proceedings.

[English]

ACCESS TO CENSUS INFORMATION

PRESENTATION OF PETITION

Hon. Lorna Milne: Honourable senators, I have the honour to present 467 signatures from Canadians in the provinces of British Columbia, Saskatchewan, Ontario, Quebec, New Brunswick, Nova Scotia and Prince Edward Island who are researching their ancestry, as well as signatures from 89 people in the United States, three from Australia, two from Norway, one from Iceland and one from the U.K. who are researching their Canadian roots; a total of 563 people, some with surnames such as Lynch, Fraser, Léger, Losier, Smith, Morin, Graham and Kenny. Jason Milne — no relation — from Vancouver, and even a George Baker, also from Vancouver, signed the petition.

These people are petitioning the following:

Your petitioners call upon Parliament to take whatever steps necessary to retroactively amend the Confidentiality-Privacy clauses of Statistics Acts since 1906, to allow release to the Public, after a reasonable period of time, the Post 1901 Census reports starting with the 1906 Census.

Honourable senators, I have now presented petitions with 20,486 signatures to the Thirty-seventh Parliament and petitions with over 6,000 signatures to the Thirty-sixth Parliament, all calling for immediate action on this very important matter of Canadian history.

• (1410)

I am thrilled to inform those honourable senators who may not have heard that on Friday, January 24, at 11:15 a.m., the government released the nominal census returns from the 1906 census. Further, as we heard a few moments ago, the government has now introduced legislation to govern the release of the 1911 census and all subsequent censuses. On behalf of the —

The Hon. the Speaker: Senator Milne, I am sorry to interrupt, but I must remind honourable senators that the item under Routine Proceedings, Presentation of Petitions, is just that: A presentation of petitions.

QUESTION PERIOD

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS—
STATEMENT OF OPERATIONAL REQUIREMENTS

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government in the Senate. In response to my question yesterday, the minister informed me that the operational requirement, the SOR, for the new maritime helicopter had not changed. The minister reassured me to that effect. I was so happy with that information, and thought to myself, "at long last."

What the minister did not tell us, and what I failed to notice, is that the specification for the acquisition of the maritime helicopter, which is supposed to reflect the SOR, has been diluted and changed to allow for a much less capable helicopter. Is the Leader of the Government in the Senate able to confirm that information?

Hon. Sharon Carstairs (Leader of the Government): As I indicated to the honourable senator yesterday, the operational requirement has not been changed. I cannot speak specifically to the acquisition SOR, but I cannot understand how one could have been changed and diluted significantly if the statement of operational requirements was not modified. These specifications are based on military analyses, extensive statistical research and realistic force planning scenarios based on Canadian Forces operations. The position is clear: The statement of operational requirements has not been changed.

While I am on my feet, the honourable senator specifically asked a question yesterday about defence representatives going to France. I do have information for him on that matter.

The Government of Canada's goal is to obtain the right aircraft. The purpose of the January visit was to conduct a formal demonstration flight of the NH-90 helicopter. However, the honourable senator may have thought that the Eurocopter was being looked at again — or perhaps he did not. In any event, I was surprised that the NH-90 helicopter was made available at the Eurocopter facility. That could have led someone to think that we had gone beyond, and were now providing flights or briefings on the Cougar. That is not the case. The Cougar is no longer part of the process, but the NH-90 was demonstrated at the Eurocopter facility.

Senator Forrestall: I was not confused at all. It would be interesting to ask the minister's colleagues whether or not Canadians took up the offer to participate in the demonstration of the NH-90. The answer, of course, is "No, they did not."

There was no question about the scenario yesterday. However, somewhere along the line, somewhere between the SOR and what we have in place now, is the authority to compromise. Let me ask the minister a question specifically about that compromise which disturbs me. I ask this question against the fact that two of the EH-101s, the Cormorant, that version, had made extraordinary, exceptional, long-range rescue programs of approximately 1,600 kilometres to save lives that could never be saved by anything other than long-range, heavy, substantial aircraft of this nature.

Will the minister confirm that the latest version of the specification reflects almost a 60 per cent reduction in the weight of self-defence and operational stores that the new maritime helicopter needs to carry out its duties?

Senator Carstairs: As the honourable senator has indicated, the Cormorant, as a search and rescue helicopter, has performed extremely well. Recently, a heart attack victim was rescued. We are all proud of the work that our services provide to those in life-threatening situations.

As to the honourable senator's extraordinarily specific question, I do not have that information but I will seek to obtain an answer for the honourable senator.

Senator Forrestall: Would the minister be able to answer this rather brief question: Has safety been compromised, to save weight and to accommodate a much less capable helicopter? I will offer two examples of many that I could give: Reduced protection against small arms fire and elimination of a backup altimeter.

It appears that, by hook or by crook, we will expand the acquisition process for replacement for the ship-borne helicopter that would otherwise not be acceptable in terms of the workload that we would require of it. This is not only a military vehicle; it is a search and rescue vehicle. It is a vehicle to be used for 101 other good, solid, Canadian reasons.

If the minister could obtain responses to those questions for me, I would be grateful.

[Senator Carstairs]

Senator Carstairs: Honourable senators, I can say definitively now that safety has not been compromised. The safety of personnel on those craft, if they are on search and rescue, is high on the priority list of this government.

As to the specific question asked with respect to the acquisition SOR, I will try to provide that information at the first opportunity.

Senator Forrestall: The earliest opportunity.

CITIZENSHIP AND IMMIGRATION

DENIAL OF APPEAL FOR LANDED IMMIGRANT STATUS OF NIGERIAN FAMILY

Hon. A. Raynell Andreychuk: Honourable senators, on December 5, 2002, I brought to the attention of the Leader of the Government in the Senate the case of the Nigerian mother and her four daughters who had taken refuge in a Calgary church because their claim for refugee status had been denied. The family feared returning to Nigeria since that would mean that the daughters could be subjected to the cultural practice known as female genital mutilation, a practice that Canada now condemns.

On December 12, the family was granted a 30-day extension. In early January, they applied for pre-removal risk assessment, which means a review as to whether those previously denied refugee status would be at risk if returned to their country. Citizenship and Immigration Canada has until mid-February to make its decision on this case.

At the time, the minister indicated that she would take this matter up with a specific minister. My question is whether the matter was, in fact, taken up, and whether there were any assurances given that an assessment would also be made on humanitarian grounds, should the other process fail, to leave this family in Canada.

Hon. Sharon Carstairs (Leader of the Government): First, let me explain the process of what occurs here. As soon as a senator asks a question in this place, that question is immediately referred to the minister, literally within hours of the question having been asked. I assure the honourable senators that the issue was raised with the minister, and included her comments and my comments.

• (1420)

As you know, the government has taken significant steps in this case, first by granting the extension and then by moving into the review process. Having said that, there are very clear rules. The decisions are made at arm's length by individuals, as is appropriate, until the very final stage when the minister can step in. We will not have a decision until mid-February on this particular case.

The humanitarian aspect is always taken into account, so I presume it has been considered in this case. Obviously, if one were to go on to a ministerial directive, that aspect would form a significant part of the case.

Senator Andreychuk: Honourable senators, I have been reviewing some of these processes. I am concerned that, while our officers are trained on immigration policies and refugee policies, they receive very little specific information on how to assess the best interests of children. What are the guidelines and the rules that govern officers in assessing the best interests of these children who find themselves on Canadian soil?

Senator Carstairs: Honourable senators, I would be very surprised if any immigration or appeal refugee board member did not take into consideration the best interests of children. That is their job. They must not only consider the best interests of Canada in these cases but also those of the claimants who come before them. Although the actual claim is made by the adult or parent, the officers are well aware that the adult in question may have a number of children who could be adversely affected.

As to the specific guidelines governing immigration officials, I do not have those at my fingertips, as you can imagine, but if I can uncover any information as to what guides them, I will make that available to the honourable senator.

[Translation]

OFFICIAL LANGUAGES

NORTHWEST TERRITORIES ACT

Hon. Jean-Robert Gauthier: Honourable senators, yesterday, the Leader of the Government said in this House with regard to the Official Languages Act in the Northwest Territories, and I quote:

The territorial government, therefore, has the responsibility to determine its orientations and proposed legislative amendments, as required. The Government of Canada will not interfere in that particular direction.

Section 43.1 of the Northwest Territories Act stipulates that the ordinance entitled the Official Languages Act may be amended or repealed by the Commissioner in Council only if the amendment or repeal is concurred in by Parliament through an amendment to this Act.

In this context, will the federal government take action before the beginning of March 2003, i.e. before the Government of the Northwest Territories amends its Official Languages Act?

[English]

Hon. Sharon Carstairs (Leader of the Government): The honourable senator asked this question yesterday, and I tried to provide him with the information that I had at that time. I have no further information today.

We do need to be careful here. This case is presently before the courts, and I do not think we would want to get into the actual presentation of arguments being made before that court.

Let me restate what I said yesterday: The Territories' Official Languages Act does have special status. However, the Northwest Territories Act provides that a Commissioner in Council of the Northwest Territories can amend or repeal the act only if

Parliament gives its agreement to that effect by amending the Official Languages Act. That is very clear. There is a special status.

Having said that, the Northwest Territories Official Languages Act falls under the jurisdiction of that territory.

[Translation]

Senator Gauthier: Honourable senators, in the defence tabled on February 28, 2002, the Northwest Territories contend that they are not required to comply with sections 16 to 20 of the charter and deny having contravened the Charter of rights and freedoms. Is the Government of the Northwest Territories a federal institution subject to the charter, just like the federal government, the House of Commons, the Senate and the Library of Parliament? Under section 32 of the charter, are the commissioner in council and the territorial government required, as institutions of Parliament, to respect the language rights guaranteed under sections 16 to 20? This is clear. This is not an issue to be referred to the courts, it is a charter issue, the charter being one of our fundamental pieces of legislation. We are told the Northwest Territories are above the charter. Are they? I say no.

[English]

Senator Carstairs: Honourable senators, the position continues to be one with which the honourable senator does not agree. The position is that the Northwest Territories is not subject to sections 16 to 20 of the Charter because it is not an institution of the Parliament and Government of Canada. The Attorney General maintains that part 7 of the OLA, the Official Languages Act, does not create obligations or rights.

Hon. Gérald-A. Beaudoin: Honourable senators, I have a supplementary question.

The Leader of the Government referred to the doctrine of *sub judice*, but absolutely nothing prevents a legislative house such as the Senate from discussing any point, any question, that relates to the federal competence. We have many precedents in that sense. That being said, we are prudent, of course, but we may discuss constitutional law questions.

From our discussion of yesterday, we see that the honourable leader of the government is defending a point of view. I have a different point of view. This question is before the courts. We would like the government to act before the judgment is rendered; it may help. At the end of the day, as we say, the courts will rule on this matter. However, I still cannot agree with the honourable leader of the government.

When a territory is created, in my opinion it is a federal institution, a federal creation. If it is not, what is it? What else could it be? It is a federal territory having a very large delegated power, and I agree with that. We have done this three times at least in our history, but I still think that when the Parliament is creating an institution as important as a territory, the government is obliged — and Parliament is obliged — to respect the Constitution. In the federal field, there is a quality of French and English. It is not only I who is saying that.

The Hon. the Speaker: Senator Beaudoin, I am sorry to interrupt you. I thought I should remind honourable senators of the references in our rules to brevity in the case of both questions and responses in relation to Question Period.

Senator Beaudoin: If I may, I will ask another question. My point is this: A territory is created by a law of Parliament. A province is created by the Constitution, so it is not the same thing. There is a difference, not of degree but of substance, between a territory and a province. We, the Parliament of Canada, must respect section 16 of the Charter of Rights because it is part of the Constitution. Some people say yes, but read the Official Language Act. The Constitution takes precedence over the Official Languages Act. The Constitution clearly states that the two languages are equal in the federal domain and federal institutions. If I have to ask a question, then I ask if the honourable senator agrees or disagrees, but I know she agrees.

• (1430)

Senator Carstairs: The honourable senator, with all of his constitutional expertise, raises an interesting issue. First, I would agree with him totally on the issue of prudence. That is why I placed the caution on the record that we had to be careful that we did not touch on the close specifics of the case but, rather, that we speak in terms of generalities. However, I would have a slight disagreement with him in terms of semantics.

We have a discussion of whether something is a creature or a creation, or whether it is an institution. I maintain that the two things can be quite different. An entity can be a creation without necessarily being an institution.

Senator Beaudoin: The Constitution still applies whether it is a creation or an institution. An institution is a creation also. What else is it? My honourable friend says that section 16 of the Charter does not apply.

The Hon. the Speaker: I am sorry to interrupt, honourable senators. Question Period is for putting questions forward and for questions being answered, not a time for debate.

Senator Beaudoin: Today, I have nothing to add.

Hon. Marcel Prud'homme: This debate is taking place with the expertise of Senator Beaudoin.

We are seeing something happen more frequently with the National Capital Commission. I always thought Canada was one Canadian flag, 10 provincial flags and three territorial flags. More and more we see the NCC using 13 flags, plus the flag of Canada. We see that the territories are invited to constitutional conferences, yet we know that, to amend the Canadian Constitution, we cannot say that the 13 are on an equal footing; 10 are on an equal footing. The amending formula is based on 7 out of 10 provincial legislatures representing 50 per cent of the population. A precedent is being established. That is what I follow very closely.

Does the honourable leader consider that the 10 provinces and three territories are on an equal footing? If so, we better start reflecting on a new amending formula for the Constitution. If they must be on an equal footing, they should have an equal responsibility. Does that not make sense?

Senator Carstairs: Honourable senators, it is clear that they are not on an equal footing. They are not provinces; they are territories. We want to be as open and cooperative with those territories. That is why I view their presence at first ministers' meetings to be an important component. Otherwise, the citizens of this nation who live within those territories would not be adequately represented.

THE BUDGET

CREATION OF NEW ARM'S-LENGTH AGENCIES— APPOINTMENT OF AUDITOR GENERAL AS AUDITOR

Hon. Donald H. Oliver: My question is for the Leader of the Government in the Senate and deals with government accounting.

In recent years, the government has shown a disposition toward using its budgets to create arm's-length foundations. This is often done to achieve an accounting result, that of shifting future years' spending to the current fiscal year. However, these agencies are often not accountable to Parliament and are not subject to normal audit safeguards.

In recent weeks, there has been speculation that the coming budget will create two more arm's-length agencies. The first, the Canadian Health Council, will monitor provincial health spending; the second, the Canadian Learning Institute, will act as a clearing house for new ideas in research and education. These are both areas that are traditionally within the domain of the provinces. Given that these agencies will have a mandate that will inevitably lead to conflict with the provincial governments, can the Leader of the Government in the Senate assure us that, unlike the foundations and centres created in past budgets, these new ones will be accountable to the Parliament of Canada?

Hon. Sharon Carstairs (Leader of the Government): As the honourable senators knows, tougher principles have been applied to foundations that have been put into force and effect in recent years.

There has been some talk of councils that, in the past, were supposed to be foundations. Here, I am thinking of the Africa fund. It was changed from being a foundation to being a fund so it would be directly responsible. We are being a little anticipatory here in terms of the Canadian Health Council and the Canadian Learning Institute.

Senator Oliver: This will be the first budget, since the Auditor General reported last April, on the growing use of arm's-length agencies. The Auditor General called her report "Placing the Public's Money Beyond Parliament's Reach." She noted that:

Parliament is not receiving reports on independent, broad-scope audits that examine more than financial statements of delegated arrangements, including compliance with authorities, propriety, and value for money. With a few exceptions, Parliament's auditor should be appointed as the external auditor of existing foundations and any created in the future, to provide assurance that they are exercising sound control of the significant public resources and authorities entrusted to them.

Can the Leader of the Government assure the Senate that the Auditor General will be the auditor of any new institutes or councils announced in the coming budget?

Senator Carstairs: No, I cannot make that assurance. Quite frankly, I do not agree with the concept. I do not think there is any particular advantage in this nation to the Auditor General auditing everything. I think we have good accounting and auditing firms from coast to coast in this country. They are capable of auditing a number of institutions. I would be in disagreement with the honourable senator's suggestion that everything must be audited by the Auditor General.

JUSTICE

OPERATION OF FIREARMS REGISTRY

Hon. Lowell Murray: Honourable senators, recently, the government commissioned two studies at a cost of \$150,000, I think, to look into the federal gun registry. One of those studies by Raymond Hessian, whose report was issued a day ago or so, concluded that the operation of the federal gun registry had been "suboptimized."

As an old English teacher, does the minister agree that, from the point of view of the government, the coining of such an elegant term as "suboptimal" to describe the gun registry in place of crude and pejorative expressions, such as "fiasco" and "screw-up," was worth the \$150,000 they paid for it?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as an old English teacher, although I primarily taught history, I do not like new vocabulary as it is advanced, often because I do not know what it means.

UNITED NATIONS

POSSIBLE WAR WITH IRAQ

Hon. David Tkachuk: In light of Colin Powell's presentation in the United Nations today, showing conclusively that Iraq is in flagrant violation of UN Security Council resolutions on Iraq, what will Canada's position be regarding military action against Iraq?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, many Canadians would argue that the presentation made by Mr. Powell this morning was conclusive. I think many would argue that no conclusion could be drawn. However, what is clear is that he certainly gave very disturbing and persuasive material, some of which had not been afforded to those who have been watching this situation very carefully.

It is important to note that the UN Security Council is currently conducting a debate concerning this matter. I was fortunate enough to hear the foreign ministers of France and Mexico before I had to come here. However, it is clear that the UN Security Council's judgment as to the extent that Iraq has failed to live up to its obligations under Resolution 1441 has yet to be made. Hopefully, it will resolve itself sometime in the next little bit, but the next step in this process is to hear from Dr. Blix again on February 14.

• (1440)

Senator Tkachuk: I understand the United Nations' discussing this issue. They have been doing that for quite some time. What is Canada's position on what Colin Powell has said, and what is Canada's position in the United Nations regarding action on Iraq? Will we support the U.S. position or not?

Senator Carstairs: We will be supportive of the United Nations position.

Senator Tkachuk: What is the United Nations position? What is more important is, what is our position to the United Nations on behalf of Canadians?

Senator Carstairs: Our position is clear: We respect Resolution 1441. We were clear in our support of that resolution. That resolution was passed unanimously. The Security Council is now investigating. They have sent Dr. Blix and others to Iraq to examine and to find, if they exist, those weapons of mass destruction, but the Government of Canada's position is to support the United Nations.

The Hon. the Speaker: The time for Question Period has expired.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour of tabling two responses to oral questions. The first is in response to the question raised by the Honourable Senator Tkachuk on October 23, 2002, regarding tax relief for Hezbollah organizations. The second is in response to an oral question raised by Senator Nolin tabled in the Senate on November 6, 2002, regarding illegal activities in Canada by the Drug Enforcement Agency, the *Licht* case.

NATIONAL REVENUE

TAX RELIEF FOR HEZBOLLAH ORGANIZATIONS

(Response to question raised by the Hon. David Tkachuk on October 23, 2002)

Confidentiality provisions prevent the Canada Customs and Revenue Agency (CCRA) from discussing specific cases but the Honourable Senator can be assured that the CCRA monitors charities and investigates their operations where warranted.

Registration as a charity is available only to organizations that are resident in Canada and that were either created or established in Canada. In addition, an organization must demonstrate that it is established and operated exclusively for charitable purposes.

Special provisions introduced under *Part 6* of the *Anti-terrorism Act* came into force in December 2001 with the adoption of the *Charities Registration (Security Information) Act*. This legislation recognizes that money is fungible, and that many terrorist groups seek to create a layer of legitimacy and deniability by establishing a support network of humanitarian and social services. That is why the

UN Convention on the Suppression of Terrorist Financing calls on all states to take steps to prevent and counteract the financing of terrorists and terrorist organizations, "whether such financing is direct or indirect through organizations which also have, or claim to have, charitable, social or cultural goals".

This new legislation provides grounds to disqualify an organization from registration where there is solid evidence that it provides any of its resources to activities that support terrorism. It provides a legal framework that will allow the CCRA to use and protect sensitive security information in determining an organization's eligibility for registration.

Under this legislation, the Solicitor General of Canada and the Minister of National Revenue may jointly sign a special certificate based on security or criminal intelligence reports. This is a fact-based process, and is subject to automatic judicial review.

The test to be applied in such cases is whether there are reasonable grounds to believe that a registered charity or an organization applying for registration has made, makes, or will make available any of its resources, directly or indirectly, to a terrorist group that is a listed entity under the *Criminal Code*, or to any other organization engaged in terrorist activities or in activities that support terrorist activities. Hezbollah was named as a listed entity under the *Criminal Code* on December 11, 2002.

If the Federal Court upholds a certificate issued on these grounds, it is conclusive proof that an organization is ineligible for registration as a charity under the *Income Tax Act* and therefore unable to issue tax receipts to donors.

SOLICITOR GENERAL

UNITED STATES DRUG ENFORCEMENT AGENCY— ILLEGAL ACTIVITIES IN CANADA

(Response to question raised by the Hon. Pierre Claude Nolin on November 6, 2002)

The Honourable Senator has cited the recent Supreme Court of British Columbia decision, ordering a stay of proceedings to an extradition petition by the United States.

I am aware of the facts of this case and can assure you that it represents an isolated incident that occurred without the knowledge of either the RCMP or the U.S. Drug Enforcement Agency. The Supreme Court of British Columbia appropriately recognized that this was not a bona fide foreign investigation being carried out in Canada.

The Honourable Senators would clearly agree that in any large organization with thousands of employees, there are bound to be individual incidents that take place. And it is inappropriate and irresponsible for anyone to malign the excellent Canada-US law enforcement relationship because of an isolated incident.

On the contrary, we should be thanking the many dedicated and hard working individuals who risk a great deal to keep citizens safe.

I also wish to underline that both the RCMP and the U.S. Drug Enforcement Agency fully respect the Memorandum of Understanding concerning cross-border cooperation and investigation, and their respective policies in using sources and police agents in foreign jurisdictions. Because of respect for Canada's sovereignty, there is no need to lodge a formal complaint with U.S. authorities.

An excellent example of this collaboration was the arrest in January 2002 of 121 individuals who were involved in the trafficking of an illicit drug from Canada into the U.S.

We all agree that the threat to the welfare of Canadians posed by international drug trafficking requires ongoing and cooperative efforts between Canadian and foreign police services. Given the growth of trans-national criminal activity and the threat of terrorism, domestic authorities can no longer operate in isolation. We must work with the global law enforcement community to identify mutual priorities and develop effective responses.

Canada has very effective partnerships with law enforcement agencies around the world.

I want to highlight some important efforts by the RCMP and other federal partners to maintain strong working relationships with our closest neighbours.

The Smart Border Declaration, signed in December 2001, marked an important security milestone between Canada and the United States. With the combined efforts of the RCMP, the Canada Customs and Revenue Agency, and Citizenship and Immigration Canada, this joint initiative enables us to identify and address security risks, while keeping the border open to legitimate travelers and commerce.

The deployment of ten Integrated Border Enforcement Teams along the Canada/U.S. border is another excellent example of the current level of law enforcement cooperation between both countries.

In light of the events of September 2001, the focus on building and maintaining strong relationships will continue to be critical to the integrity of our borders.

I am confident that we have appropriate mechanisms in place to ensure a collaborative approach to law enforcement that respects each country's sovereignty.

When foreign agencies work in Canada, they must do so within our legal and constitutional framework, in consultation with Canadian law enforcement agencies. Experience shows us that this is exactly what is happening thanks to the strong partnerships the RCMP has forged with its international counterparts.

[English]

ORDERS OF THE DAY

LOUIS RIEL BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Chalifoux, seconded by the Honourable Senator Taylor, for the second reading of Bill S-9, to honour Louis Riel and the Metis People.—(*Honourable Senator Stratton*).

Hon. Terry Stratton: Honourable senators, I rise today to deal with Bill S-9, to honour Louis Riel and the Métis people. This is the second session of this Parliament and the second time that this bill has been introduced. It may not surprise senators to learn that this is also the second time I have had the opportunity to address the issue.

When I spoke last year in the first session on this bill, I made it clear that I did not support it. I do not believe we can rewrite history, nor do I believe that this Parliament need do anything more than what was done by the Progressive Conservative government in 1992. A resolution was passed and adopted unanimously at that time by both the House of Commons and the Senate. The resolution recognized the various and significant contributions of Louis Riel to Canada and to the Métis people, and in particular his unique and historic role as a founder of Manitoba. What more do we need? What more do we want?

Before I continue, I should like to acknowledge that the bill now before us is somewhat different than the bill that was before us in the last session, in that this bill does not pardon Louis Riel. It does not reverse the conviction. It does not seek to exonerate him.

The Métis people are recognized as an Aboriginal people of Canada in the Constitution Act of 1982. We have a resolution in this matter that was passed by Parliament in 1992. Surely there are more important issues concerning the Métis people of Canada than one more acknowledgment of the role of Louis Riel. For example, there are issues of defining and establishing a land base; there are issues of the identification of who is or is not a Métis, and issues of compensation for lost land and lost status over the years. I am left with a number of questions that I hope I can put to Senator Chalifoux this afternoon.

For instance, why did the honourable senator change the bill so that it no longer sets aside the Riel conviction and no longer pardons him? The honourable senator knows that many Indians were involved in incidents at Frog Lake and Duck Lake. Both Chiefs Big Bear and Poundmaker served time in Stony Mountain Penitentiary, north of Winnipeg, as did many of their fellows. Should we not set the record straight with regard to these men, in the same fashion as is attempting to be done in relation to Louis Riel?

What does the honourable senator believe that this bill adds that, in reality, was not dealt with in the joint resolution of 1992?

Honourable senators, Senator Chalifoux must agree that this is not the most important issue facing the Métis people of Canada. These are questions that deserve answers. We cannot continuously attempt to rewrite our history, placing our current beliefs against the beliefs of more than 100 years ago. In our attempts to do so, we are, in the words of a noted author of aboriginal history, turning elements of truly fascinating Canadian history in the person of a rebel and a poet, Riel, into a tepid, milquetoast caricature. I look forward to further consultation on this issue.

On motion of Senator St. Germain, debate adjourned.

INTERNAL ECONOMY, BUDGETS
AND ADMINISTRATION

EIGHTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the eighth report of the Standing Committee on Internal Economy, Budgets and Administration (Senate Supplementary Estimates (B) 2002-03) presented in the Senate on February 4, 2003.

[Translation]

Hon. Lise Bacon: Honourable senators, the Internal Economy Committee has approved supplementary estimates of \$639,000, the object of its eighth report to the Senate.

[English]

The following items requiring supplementary funding are included in the report:

\$90,000 to meet the Senate's 30 per cent share of additional funding requested by the Joint Inter-Parliamentary Council. The funding provided to parliamentary associations at the start of the fiscal year is insufficient to meet Canada's obligations in terms of international contributions and of adequately funding association activities.

• (1450)

The Joint Inter-Parliamentary Council has considered requests from the associations for more funding and is now seeking authority from the Standing Committee on Internal Economy, Budgets and Administration and the House of Commons Board of Internal Economy to obtain an additional \$299,748. Of this amount, the Senate's 30 per cent share is \$89,924.

An amount of \$549,000 is required to provide the necessary funds for the increased expenditures of the office and research expenses budget of senators. The budget for senators' research and office expenses is established each year at a level that reflects expected utilization rates. For 2002-03, the rate used was 78 per cent of the \$127,500 entitlement for 98 senators. The forecast indicates a higher utilization rate; thus, there is a potential shortfall of \$549,000.

[Translation]

The submission on the supplementary estimates needs to be prepared by February 7 in order for the Senate's requirements to be included in these estimates, which will be tabled in Parliament on February 17.

[English]

Honourable senators, so that we may pursue our valuable work and meet tight time lines, I ask you to support the adoption of this report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

STUDY ON PUBLIC INTEREST IMPLICATIONS OF BANK MERGERS

REPORT OF BANKING, TRADE AND
COMMERCE COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Banking, Trade and Commerce entitled: *Competition in the Public Interest: Large Bank Mergers in Canada*, tabled in the Senate on December 12, 2002.—(Honourable Senator Kolber).

Hon. E. Leo Kolber: Honourable senators, on December 12, 2002, I was pleased to table the sixth report of the Standing Senate Committee on Banking, Trade and Commerce on the public interest implications of large bank mergers in Canada. I expect that all honourable senators have had an opportunity to see a copy of this report and have likely seen the press coverage that this topic has received since the Banking Committee began its hearings in late November.

I wish to take this opportunity to thank the honourable senators who are members of the committee and their staff for their hard work in completing this study. I should like to thank all the witnesses who made submissions to the committee because that information was crucial to our ability to fully address the public interest concerns relating to large bank mergers in Canada.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I wish to move the adjournment of the debate. This is an important report. However, there is a recommendation before the house from the Standing Committee on Rules, Privileges and the Rights of Parliament that we adopt a rule to allow, if the Senate so wishes, a request to the government for a response to a committee report within 150 days. I should hope that we agree with the recommendation of the Rules Committee, following which we would then pass the Banking Committee's report then apply the new rule in order to receive the government's response to the report within 150 days.

For those reasons, I move the adjournment of the debate.

Hon. Marcel Prud'homme: Honourable senators, having sat on the Banking Committee, I have much to say about this report. There is one particular part of the report that I do not agree with, and so I was prepared to move the adjournment of the debate as well.

On motion of Senator Lynch-Staunton, debate adjourned.

[Senator Bacon]

[Translation]

RULES, PROCEDURES AND RIGHTS OF PARLIAMENT

FOURTH REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Milne, seconded by the Honourable Senator Finnerty, for the adoption of the Fourth Report of the Standing Committee on Rules, Procedures and the Rights of Parliament (*depositing committee reports*) presented in the Senate on November 21, 2002.—(Honourable Senator Corbin).

Hon. Eymard G. Corbin: Honourable senators, I will keep my comments brief. During the debate that took place prior to the holidays, I voiced some of my concerns. I am completely opposed to proceeding this way. I believe that tabling committee reports when the Senate is not sitting deprives the chamber — I am referring to the chamber and not the honourable senators, but the institution — of its right to be the first to look at and comment on the work of the committee. It is important to remember that committees are creatures of the Senate.

An order of this chamber compels them to study specific issues. Then they have to report back. I presume that this means when the Senate is sitting and not during a parliamentary recess.

What normally happens? Take, for instance, the case of Senator Kenny's report, which is Item No. 3 on today's Order Paper. He tabled his report with the Clerk on January 12, 2003. There was a big hue and cry from the media. The Minister of Transport contradicted some of the data contained in the report. The way Transport Canada dealt with the matter was a public relations fiasco, as far as I am concerned, and the department ended up rushing to announce a new security policy at Canadian sea ports. All this despite the fact that the Senate had not even had the opportunity to consider the report. This erodes the credibility of this institution, and that is why I object. Some might say that what Senator Corbin has to say — as Senator Prud'homme would put it — after 35 years in Parliament, no longer matters, the world evolves. The world is not evolving in the right direction, in my opinion. All we are doing is providing fodder for the media, which after all is out to make money. Stories about scandals, murders, wars and massacres are splashed all over the headlines. And what were we doing at the time? We were on holidays. No one was minding the shop. The report had been tabled. Yet the debate was not taking place where it was meant to take place. That is why I am against these practices that do not bring anything positive to the institution. If you want to live by public relations, you will die by public relations, because the media are no friends of the Senate. The Chairs and members of committees are accountable to this chamber when their report is tabled, not one, two or three months later. We all know that public opinion is based not so much on the content of a report, but often on the reaction from the government or its spokespersons.

So what is our role? We must give this some thought.

[English]

Hon. Tommy Banks: Honourable senators, I have the temerity to rise to briefly disagree with the honourable senator in whose opinions I place a great deal of stock. However, Senator Corbin said one thing that I think needs to be questioned and that I call to his attention.

• (1500)

The honourable senator said that if we live by PR, we will die by PR, and that is at least partly true. Thus far, however, if we take the cartoon version of the Senate that is in the minds of most newspaper editors and most Canadians, as all of us know, we, and all of our predecessors, have only died from PR.

In the last little while, though, there have been many pieces of evidence that we are beginning to live by PR. Editorial comment — which does not determine what we do, nor is it the most important thing about what we do — does have something to do with this institution and the way in which it is regarded by Canadians. Editorial comment has begun to express matters other than as the conditioned knee-jerk reaction of inserting the words “plush-lined clubhouse” before the word “Senate” each time it is written. They have come to say that the Senate is the place where first, original thought is taking place, and they have come to say, “For God’s sake, send this item to the Senate. At least they will pay some attention and tell us the truth about it, and deal with it properly.”

Honourable senators, I think it is not immodest of us to say that we have, in fact, done rather better as an institution in the minds of the Canadian people, in a very small way and with small steps, partly as a result of our having obtained good PR. There is no doubt in my view, having once been in that game, that the timing of the release of our reports has much to do with the extent to which attention is paid to them by the press — however commercial it might be — and therefore by the Canadian public.

As the honourable senator has said, these are not mere tidbits; they are matters of considerable substance. I regard those things as very important. The consideration of the efficacy, in the end, of the release of our reports and of their timing is a very important question that must be considered very carefully.

Hon. Laurier L. LaPierre: Honourable senators, I must stand and agree with Senator Corbin. I think I know all about public relations, or at least a great deal, and about the timing, and I have agreed with Senator Kenny’s proposition that the report could be released.

I have been telephoned on the two reports that have made news: the one about defence and the magnificent report on public health. I said that I would not allow myself to be interviewed because these were reports of the committee, and that the Senate had not yet consented to these reports. I had been a member of one committee at one point but am no longer a member, and I was not a member of the Standing Senate Committee on Social Affairs, Science and Technology, and therefore I had to wait to have my say when the Senate would discuss this report.

I have now come to the conclusion that there should be a caveat when we release reports. The caveat should be to the effect that this is not a Senate report, as such, since it has not yet been presented to the Senate, or that it will be presented for confirmation or refusal by the Senate at a later date. A report

could be released to the press maintaining the principle that it is this house, it is the Senate, that consents or dissents on a report of one or more of its creatures. Consequently, we could find, with the wisdom herein, the capacity to sit on a report for two or three months because we are away.

There were many and varied discussions of immense importance that occurred at the time of the release of the security report concerning its subject matter. I do not object to its having been released. However, honourable senators, I do object that the Canadian public believes that the Senate has reported or has said that the situation in the Armed Forces is a pile of nonsense, or whatever it is that was contained in that report. I would have preferred that they had made it quite clear that these reports are not the reports of the Senate but of committees of the Senate, and that they had been placed on the Clerk’s table for debate by the Senate at another time. It would be a better procedure.

[Translation]

We could get the best of both worlds, not put ourselves in an awkward position and not go against the fundamental principle that it is the prerogative of this institution to say whether or not its members, the senators, consent or dissent on the output of one of its creatures. I support Senator Corbin’s great idea, I thank him for sharing it with us.

[English]

Hon. Lorna Milne: Will the honourable senator accept a question?

The Hon. the Speaker: Will you take a question?

Senator LaPierre: It is against my principles. However, for you, madam, anything.

Senator Milne: Thank you, Senator LaPierre. Honourable senators, since I cannot speak a second time on this report, having already spoken to it, I would like to ask the honourable senator if he is aware that the Senate retains the ability always to refuse permission to any committee to table a report when the Senate is not sitting? The report of that committee must be presented to the Senate, and the under our rules, permission of the Senate is required before a report can be tabled when the Senate is not sitting.

Senator LaPierre: Honourable senators, I know that because I am here most of the time, and I hear senators making motions to that effect, and I consent to it. All I am saying is that it is taken as a fact that such reports are Senate reports, and therefore an official document of the Senate, which has been accepted by the Senate, and, therefore, all honourable senators are implicated in the conclusions that are drawn.

There are some aspects of the report on security with which I profoundly disagree, as committee members knew from when I attended at their meetings. Therefore, I would have liked to have had a chance to express my views before the media gets to say that it is the most magnificent thing since sliced bread. Perhaps some of us have some different views that may be totally lost in the process of the argument.

Honourable senators, my point is not to prevent reports from being released if the members of the committee, and of the Senate, judge it to be necessary. However, there ought to be a caveat or a statement to the effect that the report has been presented and shall be debated later by the Senate. In the meantime, here is what the committee of the Senate has found. That is all that I want to have done.

The Hon. the Speaker: Is the house ready for the question?

An Hon. Senator: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Senator Corbin: On division.

Motion agreed to, on division.

[Translation]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I would like to point out that there are guests of Senator Ferretti Barth in the gallery today. They are the members of the Board of Trustees as well as Governors of the Fondation communautaire canadienne-italienne du Québec, as well as representatives of the Italian press in Montreal and of RAI International.

Welcome to the Senate of Canada.

• (1510)

OFFICIAL LANGUAGES

COMMITTEE AUTHORIZED TO STUDY REPORT
ENTITLED "ENVIRONMENTAL SCAN: ACCESS
TO JUSTICE IN BOTH OFFICIAL LANGUAGES"

On the Order:

Resuming debate on the motion, as modified, of the Honourable Senator Gauthier, seconded by the Honourable Senator Fraser:

That the report entitled *Environmental Scan: Access to Justice in Both Official Languages*, revised on July 25, 2002, and commissioned by the Department of Justice of Canada, be referred to the Standing Senate Committee on Official Languages for study and report;

That the Committee review the issue of clarifying the access and exercise of language rights with respect to the *Divorce Act*, the *Bankruptcy Act*, the *Criminal Code*, the *Contraventions Act* and other appropriate acts as applicable; and

That the Committee report no later than May 31, 2003.—(Honourable Senator Corbin).

Hon. Eymard G. Corbin: Honourable senators, I will begin with a reassurance to you all, including Senator Gauthier, that I will be

brief. I wanted to take a little time to consider the scope of Senator Gauthier's motion. The recess afforded me the opportunity to reach the conclusion that we must adopt it.

Senator Gauthier has already shared his arguments with you all. I need not repeat them here, but I am very much aware, having sat on the House of Commons committee when the first Canadian legislation on official languages was enacted, that there has not been much in the way of change in access to justice in both official languages in Canada.

Certain things have changed, certain things have improved, but there are regions of this country where obtaining justice in the language of one's choice is impossible. In 1969, during consideration of the first official languages bill, I had asked the then Minister of Justice, the Right Honourable John Turner, why he did not extend the scope of the bill to cover regions with significant linguistic minorities. I have not had the opportunity to re-examine the transcripts of that time. However, I remember the crux of his answer. I have been waiting for things to change and evolve ever since, but they have neither changed nor evolved. He told me that there was no infrastructure in place to meet my expectations and the expectations of minorities in Manitoba, Saskatchewan, Alberta, and elsewhere in Canada. I do not want to limit my examples to Western Canada. There are other regions where properly drafted legislation could have done some good and met the expectations of official language minorities.

We are still, for all intents and purposes, at the same point today. Since the Official Languages Act was adopted in 1969, 34 years ago, my honourable colleague, Senator Jean-Robert Gauthier, has been rising to obtain justice on this issue. I know that, privately, he is getting evasive answers, and his question is being ignored.

This leads me to believe that nothing will change in the next 34 years. I believe that Senator Gauthier's motion should be adopted and referred to the Standing Committee on Official Languages, which will then report back to the Senate of Canada, as soon as possible, because the situation is becoming ridiculous, absurd, and cannot continue.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[English]

FOREIGN AFFAIRS

MOTION TO REFER 2002 BERLIN RESOLUTION OF
ORGANIZATION FOR SECURITY AND CO-OPERATION
IN EUROPE PARLIAMENTARY ASSEMBLY
TO COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C.:

That the following resolution, encapsulating the 2002 Berlin OSCE (PA) Resolution, be referred to the Standing Senate Committee on Foreign Affairs for consideration and report before June 30, 2003:

[Senator LaPierre]

WHEREAS Canada is a founding member State of the Organization for Security and Economic Co-operation in Europe (OSCE) and the 1975 Helsinki Accords;

WHEREAS all the participating member States to the Helsinki Accords affirmed respect for the right of persons belonging to national minorities to equality before the law and the full opportunity for the enjoyment of human rights and fundamental freedoms and further that the participating member States recognized that such respect was an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation between themselves and among all member States;

WHEREAS the OSCE condemned anti-Semitism in the 1990 Copenhagen Concluding Document and undertook to take effective measures to protect individuals from anti-Semitic violence;

WHEREAS the 1996 Lisbon Concluding Document of the OSCE called for improved implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms and urged participating member States to address the acute problem of anti-Semitism;

WHEREAS the 1999 Charter for European Security committed Canada and other participating members States to counter violations of human rights and fundamental freedoms, including freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism;

WHEREAS on July 8, 2002, at its Parliamentary Assembly held at the Reichstag in Berlin, Germany, the OSCE passed a unanimous resolution, as appended, condemning the current anti-Semitic violence throughout the OSCE space;

WHEREAS the 2002 Berlin Resolution urged all member States to make public statements recognizing violence against Jews and Jewish cultural properties as anti-Semitic and to issue strong, public declarations condemning the depredations;

WHEREAS the 2002 Berlin Resolution called on all participating member States to combat anti-Semitism by ensuring aggressive law enforcement by local and national authorities;

WHEREAS the 2002 Berlin Resolution urged participating members States to bolster the importance of combating anti-Semitism by exploring effective measures to prevent anti-Semitism and by ensuring that laws, regulations, practices and policies conform with relevant OSCE commitments on anti-Semitism;

WHEREAS the 2002 Berlin Resolution also encouraged all delegates to the Parliamentary Assembly to vocally and unconditionally condemn manifestations of anti-Semitic violence in their respective countries;

WHEREAS the alarming rise in anti-Semitic incidents and violence has been documented in Canada, as well as Europe and worldwide.

Appendix

RESOLUTION ON ANTI-SEMITIC VIOLENCE IN THE OSCE REGION Berlin, 6 — 10 July 2002

1. Recalling that the OSCE was among those organizations which publicly achieved international condemnation of anti-Semitism through the crafting of the 1990 Copenhagen Concluding Document;
 2. Noting that all participating States, as stated in the Copenhagen Concluding Document, commit to "unequivocally condemn" anti-Semitism and take effective measures to protect individuals from anti-Semitic violence;
 3. Remembering the 1996 Lisbon Concluding Document, which highlights the OSCE's "comprehensive approach" to security, calls for "improvement in the implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms", and urges participating States to address "acute problems", such as anti-Semitism;
 4. Reaffirming the 1999 Charter for European Security, committing participating States to "counter such threats to security as violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism";
 5. Recognizing that the scourge of anti-Semitism is not unique to any one country, and calls for steadfast perseverance by all participating States;
- The OSCE Parliamentary Assembly:
6. Unequivocally condemns the alarming escalation of anti-Semitic violence throughout the OSCE region;
 7. Voices deep concern over the recent escalation in anti-Semitic violence, as individuals of the Judaic faith and Jewish cultural properties have suffered attacks in many OSCE participating States;
 8. Urges those States which undertake to return confiscated properties to rightful owners, or to provide alternative compensation to such owners, to ensure that their property restitution and compensation programmes are implemented in a non-discriminatory manner and according to the rule of law;

9. Recognizes the commendable efforts of many post-communist States to redress injustices inflicted by previous regimes based on religious heritage, considering that the interests of justice dictate that more work remains to be done in this regard, particularly with regard to individual and community property restitution compensation;
10. Recognizes the danger of anti-Semitic violence to European security, especially in light of the trend of increasing violence and attacks regions wide;
11. Declares that violence against Jews and other manifestations of intolerance will never be justified by international developments or political issues, and that it obstructs democracy, pluralism, and peace;
12. Urges all States to make public statements recognizing violence against Jews and Jewish cultural properties as anti-Semitic, as well as to issue strong, public declarations condemning the depredations;
13. Calls upon participating States to ensure aggressive law enforcement by local and national authorities, including thorough investigation of anti-Semitic criminal acts, apprehension of perpetrators, initiation of appropriate criminal prosecutions and judicial proceedings;
14. Urges participating States to bolster the importance of combating anti-Semitism by holding a follow-up seminar or human dimension meeting that explores effective measures to prevent anti-Semitism, and to ensure that their laws, regulations, practices and policies conform with relevant OSCE commitments on anti-Semitism; and
15. Encourages all delegates to the Parliamentary Assembly to vocally and unconditionally condemn manifestations of anti-Semitic violence in their respective countries and at all regional and international forums.—(*Honourable Senator Spivak*).

Hon. Mira Spivak: Honourable senators, I am pleased to speak to this motion about the 2002 Berlin Resolution of the Organization for Security and Economic Co-operation in Europe that will be referred to one of our committees, I hope.

Like my colleague, the Honourable Senator Grafstein, I believe it is crucial for this Parliament to voice its deep concern for the new anti-Semitism, anti-Jewishness, that is surfacing not only abroad but also in Canada. The Berlin Resolution that calls on states to combat anti-Semitism provides an excellent mechanism for addressing this new evil and, hopefully, one of our committees will be the appropriate place for us to pursue it.

I refer to the “new anti-Jewishness.” It is not my phrase. It is the phrase used by Professor Irwin Cotler, who is perhaps better known to many senators as a colleague in the other place. He is on leave from McGill University where he is also a Professor of Law and Director of the University’s Human Rights Program.

Last month, he published a paper in which he literally sounded the alarm about human rights and the new form of anti-Semitism:

What we are witnessing today — which has been developing incrementally, almost imperceptibly, and sometimes indulgently, for some thirty years now — is a new, virulent, globalizing and even lethal anti-Jewishness reminiscent of the atmosphere of the 1930s, and without parallel or precedence since the end of the Second World War.

He defines it as discrimination against or denial of or assault upon national particularity and “peoplehood” anywhere, whenever that national particularity and peoplehood happen to be Jewish. It is expressed in the singling out of Israel and the Jewish people for differential and discriminatory treatment in the international arena. In its most lethal form, it is expressed as a singling out of Israel and the Jewish people for assault, as evidenced by the suicide bombers.

He has developed some 13 indices to identify this new anti-Jewishness. I will not go through all of them, but I would be happy to share this paper with honourable senators who would like to read it in its entirety. I would, however, like to highlight some of them.

First are the public calls for the destruction of Israel and the Jewish people by terrorist organizations, by radical Islamic clerics and by states such as Iran and Iraq.

Israel is the only state in the world today, and the Jews the only people in the world today, that are the object of a standing set of threats from governmental, religious and terrorist bodies seeking their destruction. And what is most disturbing is the silence —

— something Senator Grafstein talked about —

— the indifference, and sometimes even the indulgence, in the face of such genocidal anti-Semitism.

He also speaks of political anti-Semitism — the “demonizing of Israel” and the denial of its legitimacy — and of ideological and theological anti-Semitism.

He has two other indices that I think we need to pay special attention to, here in Canada. One is cultural anti-Semitism, expressed in the attitudes, sentiments, innuendo, et cetera, in academe, in parliaments and elsewhere, including the discourse of the “chattering classes” and the enlightened elites. As an example, he cites a remark by the French Ambassador to the United Kingdom that prompted British journalist Petronella Wyatt to write:

Anti-Semitism and its open expression has become respectable at London dinner tables.

The second indices that must particularly concern us, he describes as European anti-Semitism, but as Senator Grafstein pointed out, it is not confined to Europe. One prime example is assaults upon and desecration of synagogues, cemeteries and Jewish institutions, in the past two years. As Senator Grafstein said, we have had four synagogues burned or scorched, four synagogues in four provinces of Canada.

Denial of the Holocaust, economic discrimination against Jews and the state-sanctioned anti-Semitism — these are new examples of the new anti-Jewishness.

Irwin Cotler is sounding an alarm, not only for Israel and the Jewish people, but also for the world community and the human condition as a whole. As he said:

For as history has taught us only too well, while the persecution and discrimination may begin with Jews, it doesn't end with Jews.

Honourable senators, I believe we should not be silent in the face of what is happening globally and in our own backyards. Adopting Senator Grafstein's motion is an excellent place to start. It is an important and timely undertaking for one of our standing committees.

On motion of Senator LaPierre, debate adjourned.

The Senate adjourned until Thursday, February 6, 2003, at 1:30 p.m.

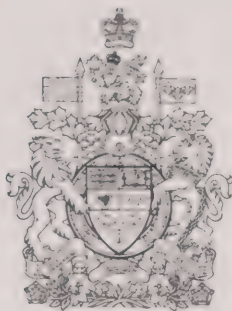
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(HANSARD)

Thursday, February 6, 2003

—
THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Thursday, February 6, 2003

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

UNITED NATIONS

IRAQ—WEAPONS INSPECTION PROGRAM— INCREASE IN PERSONNEL

Hon. Douglas Roche: Honourable senators, the evidence given yesterday to the UN Security Council by U.S. Secretary of State Colin Powell shows that Iraq is in material breach of resolution 1441, but it is clear that Iraq does not have the capability to launch an attack on the West. There is no justification for a war in Iraq.

Rather than join in warfare, Canada should use its wide experience in verification to support the recommendation made by former U.S. President Jimmy Carter, to increase the present number of UN inspectors from 100 to 1,000. Such a robust and permanent monitoring regime would ensure that Iraq could not hide or develop weapons of mass destruction.

For several decades, Canada has been an acknowledged leader in the field of verification. We have much to contribute. This proactive work, to lessen the threat of weapons of mass destruction, would be far better than joining in a war with horrendous consequences.

The *Independent* of London warns that war in Iraq would destabilize the whole region, would encourage a backlash from fundamentalists and would virtually guarantee an upsurge in global terrorism. The bombing attacks now planned would also inflict widespread death and destruction on innocent civilians, just as was done in the 1991 Gulf War.

I oppose the war that is now contemplated. I call on the government to put forward a stringent verification proposal to help the UN resolve this crisis without war.

UNITY AGAINST TERRORISM

Hon. Gerry St. Germain: Honourable senators, the time has come for our government to represent Canadians by clearly stating to the world where we stand on the matter of terrorism. Canada must stand shoulder to shoulder with our American neighbour, our friend and our ally. We will not be standing alone, for other allies have already stood up to be counted.

Yesterday, the world got a good insight into just what the Iraqi regime thinks of its global neighbours. Our American friends, who have never faltered in building a military presence, the sole

purpose of which has been to restore and keep the peace and protect freedom, have shown us that Iraq has been producing and amassing weapons whose only purpose can be to cause harm.

The United Nations has been rebuffed by Saddam Hussein and his regime. Unless this dictatorship is stopped, we have no idea what kind of reign of terror will be perpetrated.

The world stood by too long while Hitler made ready his plans. Do we want to repeat history and stand idly by while the democratic rights and freedoms of others are trampled upon?

The price of freedom, my friends, has never been cheap, and often hesitation becomes costlier. In that spirit, we must stand with our friends, the British, the Americans and other allies. There can be no cracks in the armaments of peace. Now is not the time for our country to falter.

• (1340)

SEARCH AND RESCUE

SUCCESS OF EH-101 CORMORANT HELICOPTER

Hon. J. Michael Forrestall: Honourable senators, I wish to take this opportunity to celebrate the success of the EH-101 Cormorant search and rescue helicopter, notwithstanding the teething problems of bringing a new aircraft into the fleet.

Honourable senators, on December 4, 2002, a Cormorant search and rescue helicopter based at Gander, Newfoundland, flew a rescue mission in severe ice conditions, some 600-plus kilometres off Newfoundland to successfully rescue an injured Norwegian sailor. The round trip logged in excess of 1,600 kilometres. Many believe that to be a record.

On January 24, 2003, a single EH-101 Cormorant search and rescue helicopter was dispatched in a severe storm to rescue 16 seamen from a Finnish ship that had lost power some 450-plus kilometres off St. John's. It successfully lifted the entire ship's company, comprising 16 seamen, from their stricken vessel in another milestone achievement under the foulest of winter conditions and at extreme range.

On February 4, 2003, just the other day, in the longest West Coast rescue in history, a Cormorant search and rescue helicopter had completed the life-saving rescue of an injured Japanese ship's captain some 400-plus kilometres off the British Columbia coast.

To Canada's Cormorant search and rescue helicopter and, above all, to their crews who are highly professional and brave, I say "Bravo Zulu" for a job well done.

ROUTINE PROCEEDINGS

COMMITTEE OF SELECTION

FOURTH REPORT OF COMMITTEE PRESENTED

Hon. Bill Rompkey, Chair of the Committee of Selection, presented the following report:

Thursday, February 6, 2003

The Committee of Selection has the honour to present its
FOURTH REPORT

Your Committee recommends a change of membership to the following committees:

STANDING SENATE COMMITTEE ON ABORIGINAL PEOPLES

The Honourable Senator Chaput replaces the Honourable Senator St. Germain as a member of the Standing Senate Committee on Aboriginal Peoples.

STANDING COMMITTEE ON RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

The Honourable Senator Ringuette-Maltais replaces the Honourable Senator Pitfield as a member of the Standing Committee on Rules, Procedures and the Rights of Parliament.

Respectfully submitted,

WILLIAM ROMPKEY
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator Rompkey: With leave, later this day.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to and report placed on the Orders of the Day for consideration later this day.

NUCLEAR SAFETY AND CONTROL ACT

REPORT OF COMMITTEE

Hon. Tommy Banks, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, February 6, 2003

The Standing Senate Committee on Energy, Environment and Natural Resources has the honour to present its

FIFTH REPORT

Your Committee, to which was referred Bill C-4, *An Act to amend the Nuclear Safety and Control Act*, has, in

obedience to the Order of Reference of Thursday, December 12, 2002, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

TOMMY BANKS
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Banks, bill placed on Orders of the Day for third reading at the next sitting of the Senate.

[Translation]

L'ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

MEETING OF JANUARY 13-16, 2003—REPORT TABLED

Hon. Pierre De Bané: Honourable senators, pursuant to rule 23(6), I have the honour to table in the House, in both official languages, the report of the Canadian branch of the Assemblée parlementaire de la Francophonie, and the related financial report. The report concerns the meeting held in Strasbourg, France, from January 13 to 16, 2003.

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY DEVELOPMENT AND MARKETING OF VALUE-ADDED AGRICULTURAL, AGRI-FOOD AND FOREST PRODUCTS

Hon. Donald H. Oliver: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Committee on Agriculture and Forestry be authorized to examine issues related to the development and domestic and international marketing of value-added agricultural, agri-food and forest products and;

That the Committee submit its final report no later than June 30, 2004.

FISHERIES AND OCEANS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Gerald J. Comeau: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Fisheries and Oceans have the power to sit at 3:45 p.m. Tuesday next, February 11, 2003, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

[English]

This would provide our committee with the opportunity to have the Minister of Fisheries for Newfoundland and Labrador, Gerry Reid, appear before us. He has graciously consented to appear at that time, which is the only time he would be able to attend.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Hon. Marcel Prud'homme: Honourable senators, I wish to thank our colleague for showing how committees should ask for leave, rather than coming to this chamber in a sneaky way, when there are few senators present, to ask for prolongation, as some chairmen have done recently. That should be the approach of committee chairmen who want their committees to sit next week, so that we know how many honourable senators will make up the quorum for the house. That knowledge is helpful for the leader, the deputy leader, the whip and so forth.

Thank you, Senator Comeau, for showing us how it is correctly done.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

LEGACY OF WASTE DURING CHRÉTIEN-MARTIN YEARS

INQUIRY

Hon. Marjory LeBreton: Honourable senators, I give notice that on Tuesday next, February 11, 2003:

I shall call the attention of the Senate to the legacy of waste during the Martin-Chrétien years.

• (1350)

QUESTION PERIOD

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— ASSESSMENT OF NH-90 EUROCOPTER

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government in the Senate. As the minister would be aware, I would not want honourable senators to be misled even on small but relatively important points.

Would the minister return to her Department of National Defence source that she spoke with and ask specifically if it is not true that when the Canadian Armed Forces team went to France that Eurocopter offered to do the demonstration flights with the Cougar MK II because the NH-90 was not available?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, that is not the information that I have. The purpose of

the January visit was to conduct a formal demonstration flight of the NH-90 helicopter. Demonstration flight visits were also to have taken place with the Sikorsky S-92 helicopter and the Cormorant EH-101 helicopter.

Senator Forrestall: Honourable senators, I have just put on the record what I think of the EH-101. All honourable senators should be proud of that helicopter. It is getting through its teething problems.

Would the minister inform honourable senators as to whether the NH-90, when it was finally assessed in the demonstration that was put on, completed both its agility demonstration mission and its mission 8 sortie profile? Particularly, I should like to know whether the NH-90 flew the full time required with the 30-minute reserve fuel.

I would draw to the attention of honourable senators, in order that you may understand what I am saying when I say that our forces deserve the best, that the ISA was originally four hours with a 30-minute fuel reserve, not two hours and 50 minutes. We are not talking about minor changes, but rather major ones. My question is: Did the helicopter meet the full time requirement?

Senator Carstairs: Honourable senators, each aircraft presently in the race for the maritime helicopter project is undergoing tests and evaluations. It is unfair to pronounce on the results of any one of them at this time.

As to the earlier statement of the honourable senator with respect to the teething problems of the Cormorant, Senator Forrestall knows better than anyone in this chamber that any piece of military equipment usually goes through teething problems. That is acceptable. Unfortunately, Canadians do not always understand that. However, the Cormorant has now reached a stage where it is performing with flying colours.

Senator Forrestall: Would the minister agree that the Cormorant is performing because it does have the stability and the range for use in the type of search and rescue missions that we would require of it? The minister would be aware that, for many years the Sea King has not restricted its operational undertakings to military matters; it has been widely used as a primary search and rescue vehicle. For that reason, we hope that the government will stay with the highest criteria.

Senator Carstairs: Honourable senators, I have indicated on a number of occasions, and I will continue to state, that the Government of Canada has not modified the statement of operational requirements. If a helicopter that is presently being tested does not meet that statement of operational requirements, then that company will not win the contract.

JUSTICE

REPORTS ON OPERATION OF FIREARMS REGISTRY

Hon. Terry Stratton: Honourable senators, my question is for the Leader of the Government in the Senate. A question of privilege was raised in the other place that the reports tabled by the Minister of Justice in regard to the gun registry were incomplete. The technical documentation that details the information upon which Mr. Raymond V. Hession based his report is only available by calling the Department of Justice.

[Senator Comeau]

My question is: Will the Leader of the Government in the Senate tell honourable senators why this information was not tabled and why the complete reports were not posted on the Internet? Is the government trying to hide something? That is the perception.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, there is no way the government is trying to hide something. At the briefing that was given to all Members of Parliament, it was clear that the third report was available in only one language and, therefore, could not be tabled in the House of Commons and could only be made available upon request.

Senator Stratton: Honourable senators, why did the government choose to table the report at this time if the full document was not available in both official languages? What is the response of the government to Canadians who phone the Department of Justice and ask for the technical documentation in French?

Senator Carstairs: Honourable senators, my understanding is that the documentation will be available, but it is not yet available. At present, the document is available in only one official language. The government does not table documentation that is not available in both official languages.

The reality is, however, that there was great pressure from opposition parties, including the opposition parties opposite, to give information as quickly as possible to the people of Canada with respect to the firearms registry. That is why the two core documents were tabled earlier this week.

Senator Stratton: Honourable senators, why are francophones on the other side not raising objections over having this document not being available in both languages? They should insist on that. I have seen others insist on other occasions. Where are those senators now? Why are they not insisting that these documents be printed in both official languages? Reports are only released when they are available in both languages; they know that.

Earlier this week, the Minister of Justice tabled two reports on the problems of the gun registry. The first report was by KPMG and the second was by Mr. Hession. Mr. Hession noted in his report that the government went to an alternate services delivery contact in 2002 because of ongoing problems with earlier technology that had cost \$400 million. The contractor for the alternative services delivery must be certified before taking over existing services. Mr. Hession said, at paragraph 6.3 of his report:

In the interests of cost containment and technology evolution, the strategic focus of the ASD solution is dependent on Commercial-Off-The-Shelf (COTS) software replacing the custom-built solution. Current indications are that the complexities of the CFP continue to put the potential economic advantages of the COTS solution in jeopardy.

Will the Leader of the Government in the Senate tell honourable senators if an assessment has been done of the cost

to scrap the alternative services delivery contract and if the software is not functional? How much more money will the government put into the gun registry system?

Senator Carstairs: Honourable senators, let us start with the beginning of the honourable senator's statement. The government has done absolutely the correct thing here; it has brought information to the Canadian people in a timely and quick fashion by tabling both the Hession and the KPMG reports. They were available in both official languages and they were both tabled. The briefing that was held for MPs immediately following the tabling of the reports had the third document available. Unfortunately, it was very technical. It has not yet been translated, although that process is taking place, I understand.

As to the broader question, the report from Mr. Hession makes 16 recommendations; Senator Stratton has mentioned two of the recommendations, but there are 14 others. Each and every recommendation is being evaluated by the Government of Canada, particularly, the Department of Justice. The costs are obviously of primary concern.

Senator Stratton: Honourable senators, the contractor for the alternative service delivery program is now in discussion with Public Works about the cost overrun. I believe the figure is some \$15 million. There is also concern that the contractor may incur costs primarily related to the passage of Bill C-10A. Mr. Hession says that Bill C-10A must be passed by April 1, 2003.

• (1400)

The Senate sent a message to the House of Commons in early December reporting that Bill C-10 had been divided into two parts. The House has not yet concurred with that division.

Can the Leader of the Government in the Senate tell us when she expects this business to be dealt with in the other place? Does she believe that the April 1 deadline indicated by Mr. Hession is realistic?

Senator Carstairs: Honourable senators, I think it is extremely realistic. I understand that it is on their Order Paper for active consideration, beginning today.

Senator Stratton: In his observations about the Canadian Firearms Program, Mr. Hession states:

The department has a very demanding policy agenda, involving itself in virtually every legislative, regulatory and program activity of the government. The CFP has, with its continuing controversies and extraordinary logistical demands, layered unprecedented burdens on the department's management. And, correspondingly, the CFP is continuously contending for the resources and management attention it has needed to sustain its performance against its legislated milestones. The aggregate effect of these organizational dynamics includes a cumbersome leadership model, less intense focus on the mission of the CFP and corresponding inefficiencies in operational execution.

Can the Leader of the Government in the Senate tell us, in light of this condemnation of the delivery of the Canadian Firearms Program, who will ultimately take responsibility for this?

I asked earlier and I ask again: How much more money will the government put into the gun registry program? The figure of half a billion dollars is being thrown about. Thereafter, the figure is in the range of \$60 million to \$80 million a year. Can the minister verify those figures?

Who is responsible for the cost overrun of \$1.5 billion plus the annual operational costs? For goodness sake, is no one responsible?

Senator Carstairs: Honourable senators, the government has clearly accepted responsibility. There is no question about that. The figures being projected are simply that — projected figures. We are working very hard to find the most effective and efficient way. There is no question, however, that the gun registry will continue and that people in Canada believe that it is a good process to register guns in this country.

The honourable senator did raise a significant question, one that the government needs to and has agreed to examine very carefully. The Department of Justice is not, for the most part, what we refer to as a transactional department. Transactional departments include the Canadian Customs and Revenue Agency and Human Resources Development Canada. Those departments have computer programs that deal with millions of transactions with Canadians each year. In hindsight, it might have been better to have gone to one of those departments, which are familiar with transactional analysis and data collection, rather than leaving the program in the Department of Justice. However, the decision at the time was made to leave it in the Department of Justice, and hindsight is always 20/20.

Senator Stratton: The real issue is that the program is projected to cost \$1 billion. The report estimates that it will cost \$400 million to \$500 million more to correct the problems, plus \$60 million to \$80 million annually to operate the program. Can the Leader of the Government in the Senate tell me if those figures are realistic?

Senator Carstairs: Honourable senators, first, the program has not cost \$1 billion to date. The projected cost for 10 years would be \$1 billion. Let us be absolutely accurate. I believe that the last estimate of its cost, which is certainly not a small amount, was \$680 million, and obviously it has cost more money in this fiscal year. We are not trying to avoid any of those figures, but the reality is that the program has not yet cost \$1 billion.

In terms of what it will cost in the future, I remind honourable senators that the present program introduced by the other side cost \$30 million a year. Let us not leave the impression that there were no costs associated with previous gun control regulations. There were previous costs and there are ongoing costs associated with those regulations.

Senator Stratton: Honourable senators, it is projected that the cost for 10 years will be \$1 billion. Is the government leader telling

me that because those costs have not been incurred and only \$685 million has been spent, credibility is brought to the argument of good management? I do not think so.

Senator Carstairs: The honourable senator did not listen to what I said.

Senator Stratton: Yes, I did.

EFFICACY OF FIREARMS REGISTRY

Hon. Gerry St. Germain: Honourable senators, my question is on the same subject and is directed to the Leader of the Government in the Senate. In the days of the pipeline debate, C. D. Howe asked, "What is a million?" Is Senator Carstairs now asking, "What is a billion?"

The honourable leader says that the Canadian people continue to want the registration of firearms. I do not think they really knew what they were getting. She will recall the debates we had on Bill C-68 wherein it was clearly pointed out by many of us how much the gun registry would cost, how complex this issue was and how unnecessary it was. The "unnecessary" aspect has been backed up by the Chief of Police in Toronto who is facing a dilemma of handgun murders that registration has not slowed down. He has clearly stated that the gun registry program is not gun control but gun bureaucracy and is not working. It is using funds that should be utilized for policing on the streets of Toronto, where he unfortunately needs a lot of assistance as a result of a culture that has developed in that city.

The Chief of Police of the largest city in Canada clearly states that this program is not working, yet my honourable friend is telling us that she knows better.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I will quote some things which I think are of interest.

On January 14, 2003, David Griffin, Executive Officer of the Canadian Police Association, said:

We...consider the licensing of firearm owners and the registration of firearms to be a valuable public safety tool for front-line police officers.

Chief Vince Bevan, Vice-President of the Canadian Association of Chiefs of Police, at their press conference on January 8, 2003, said:

The principles which support this legislation have not been compromised....It is without question an investment in the future of our country and of our children.

Senator St. Germain: Honourable senators, when I questioned the same Canadian Police Association at the Senate committee hearing on Bill C-10A, they said that they are split on this issue. The bare majority support gun registration. As Senator Carstairs knows, I am quite familiar with the policing field, having been in that field for five years when I was younger.

Police chiefs are often, unfortunately, political. They either become politicians or chiefs. We should be speaking to the rank and file. The rank and file are short of equipment and other necessities as a result of government waste and lack of government funding.

Senator Carstairs: Honourable senators, it is interesting that the honourable senator likes to quote one police chief but does not like to quote the Association of Chiefs of Police or the Canadian Police Association. The honourable senator does not like those quotations because they express the majority view of the Canadian Police Association, the Canadian Association of Chiefs of Police and, in my view, the Canadian people.

Senator Kinsella: And what is your point?

• (1410)

REPORTS ON OPERATION OF FIREARMS REGISTRY

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, as for clarification, I can understand why the minister would not table a document unless it was available in both languages. However, I do not understand how the same document which is only available to date in one language is available through the minister's office by a telephone call. Why would he be exempt from the bilingual requirement in this case when the Official Languages Act is quite clear that all official documentation available to Canadians must be in both languages?

As I understand it, the press release regarding the Hession study included a reference to the effect that supporting technical documentation is available to the Department of Justice, but it does not say in only one language. Why?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, because it was delivered to the Department of Justice in one language only.

The reality is that had this document not been made available, along with the other two, there would have been a hue and cry from the people across this country that we were trying to hide something.

Senator Meighen: There already is.

Senator Carstairs: Therefore, it was made available out of the minister's office in one language only because that was the only language in which it was available.

If the honourable leader opposite is suggesting that we should have withheld everything until that document was translated, then that is a legitimate position. However, there is no question that the people of Canada wanted the information as soon as possible, and rightly so because this was a very expensive program.

It is because the two reports were available in both official languages that they were tabled in the House.

Senator Lynch-Staunton: As I understand it, then, some undue haste to cover up past transgressions has taken over from the basic fundamental right in this country to have documentation in both official languages. Shame!

Senator Carstairs: I certainly disagree with the way in which the honourable leader has structured his particular question. This is not an attempt to cover up. These particular reports were, in many respects, very critical of the Government of Canada. The cover-up would have existed if we had not shared it with the people of Canada.

Senator Kinsella: They shared it only with anglophones; they do not care about the francophones.

ENFORCEMENT OF REGISTRATION OF FIREARMS

Hon. Leonard J. Gustafson: Honourable senators, given the fact that most of the provinces are indicating they will not cooperate with the registration and many of the provincial police associations will not enforce the legislation, how will the government implement the legislation, in particular, among farmers and native people?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, some provinces are not cooperating. In that, the honourable senator is quite correct. However, in provinces where the RCMP has authority, the RCMP is enforcing the legislation.

As the honourable senator knows, police departments, that are municipal, take their direction from the municipality. If they are a provincial police force, they take their direction from the province. That is the way it operates in this country. It is most unfortunate that some provinces have chosen to ignore a law that is wanted by the vast majority of Canadians.

Senator Gustafson: Would the minister not concede that this will be very confusing?

Senator Kinsella: It is a mess!

Senator Gustafson: Some officer may step out of line and prosecute one farmer or one native person. Many of these people are saying, "We will not register." This is a very confusing situation, and it will become even more confusing.

Senator Carstairs: As the honourable senator knows, sometimes it takes a while to convince people to obey the law. That was certainly the case with seat belt legislation. Such legislation was passed in many provinces. Some Canadians were loath at first to equip themselves properly for driving what has the potential to be a dangerous vehicle.

Canadians gradually complied. Many honourable senators have probably been stopped — certainly I have been recently — for a standard check to ensure compliance with that statute. I was in compliance. I am pleased to say that I received no fine and no demerits on my licence as a result of a failure to comply.

It is interesting to note that, in my province, the seat belt legislation, which is provincial legislation, was not met with great favour. Alberta was the last province to come on board. There is a certain amount of similarity between those who had trouble getting on board with the seat belt legislation and those who are not complying with the gun legislation.

Some Hon. Senators: Come on!

Senator Prud'homme: It is the same thing with the metric system.

Senator Gustafson: Honourable senators, that answer leads me to believe that the government will put out an extensive advertising campaign to sell the general public on the fact that they should register their guns. How much will that cost?

Senator LeBreton: Group action, here we come.

Senator Carstairs: In fact, it has already been spent. There was an extensive advertising campaign.

Senator Gustafson: It did not work.

Senator Carstairs: It certainly did work. The fact that there is 90 to 95 per cent compliance on the licensing of guns and what is perceived as a 70 per cent factor on the registration of guns indicates that the advertising program worked very well indeed.

Senator Kinsella: Who had the contract?

Hon. Herbert O. Sparrow: Honourable senators, in 1940 there was a national registration of all Canadians. The timeline for the registration of all Canadians was that it be done in one month, that is, August 1940. The registration of those Canadians took three days, from August 19 to 21, 1940. Some 8 million Canadians, 16 years of age and over, were registered.

It took from 1995 to 2003 to register one third of those who are gun owners. Perhaps the minister or the Department of Justice could relate to us how that registration in 1940 could be done in three days when there were no computers and when there were not thousands of staff, yet they cannot register the guns owned by Canadians in seven or eight years.

Some Hon. Senators: Hear, hear!

Senator Carstairs: Honourable senators, there is a simple explanation.

Some Hon. Senators: Oh, oh!

Senator Carstairs: In August 1940, we were 11 months into World War II. People in this country, particularly those on the East and West Coasts, but most particularly those on the East Coast, were concerned about their own safety. U-boats were seen off the coast of Nova Scotia, New Brunswick and Newfoundland, which was not part of the country but which was part of the Allied nations at that particular point in time.

Canadians acted very quickly at that time. Canadians did not act as quickly in this case partly because we told them they had a much more extensive period of time in which to register.

• (1420)

Had the terms been narrowed, it is possible that the legislation may have come forward more quickly and the registration process may have progressed more quickly. However, the Government of Canada made the decision, and I think rightly so, that it was better to get a cooperative public doing what the government wants it to do rather than to feel that there was any sense of urgency about that particular process.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table delayed responses to four oral questions. The first is in response to an oral question raised by the Honourable Senator St. Germain, on December 10, 2002, regarding the Firearms Registry Program. The second is in response to an oral question raised by the Honourable Senator Kelleher on December 9, 2002, regarding the Auditor General's Report, access to Special Import Measures Act process for small and medium-sized businesses. The third is in response to an oral question raised by the Honourable Senator Kinsella on November 27, 2002, regarding the airline industry and the policy on public health measures. The fourth is in response to an oral question raised by the Honourable Senator Comeau on December 11, 2002, regarding the search for a vessel dumping oil at sea.

JUSTICE

FIREARMS REGISTRY PROGRAM— INCREASE IN FIREARMS MURDERS—REQUEST FOR BREAKDOWN BY PROVINCE AND TERRITORY OF APPLICANTS REJECTED

(Response to question raised by the Hon. Gerry St. Germain on December 10, 2002)

The breakdown by province and territory of the rejected applications and revoked licences can be found below.

As of December 28, 2002

Provinces	BC	AB	SK	MB
Applications Refused	703	318	88	186
Licenses Revoked	236	156	42	117
TOTAL	939	474	130	303

Provinces	ON	QC	NB	NS
Applications Refused	1,521	988	79	194
Licenses Revoked	1,094	726	30	91
TOTAL	2,615	1,714	109	285

Provinces	PEI	NF	YK	NWT	NU
Applications Refused	12	65	14	81	31
Licenses Revoked	13	123	9	7	8
TOTAL	25	188	23	88	39

Provinces	TOTAL
Applications Refused	4,280
Licenses Revoked	2,652
TOTAL	6,932

CUSTOMS AND REVENUE AGENCY

AUDITOR GENERAL'S REPORT—ACCESS TO SPECIAL IMPORT MEASURES ACT PROCESS FOR SMALL AND MEDIUM-SIZED BUSINESSES

(Response to question raised by the Hon. James F. Kelleher on December 9, 2002)

The Auditor General's report indicates that, in 1998, the Canada Customs and Revenue Agency (CCRA) produced a plan to address the problems of small and medium-sized businesses.

The report specifies that the CCRA began implementation of the plan, however, in October 1998, the project had been put on hold due to budgetary constraints.

The Auditor General's report also indicates that the CCRA recognized "access for small and medium-sized producers" as a priority and that CCRA staff were directed to continue making efforts and seek innovative ways for improving Special Imports Measures Act (SIMA) accessibility, including providing assistance when requested.

The CCRA has improved SIMA administrative practices, provided direct assistance and market research support, streamlined procedures for filing complaints, assisted in the preparation of complaints, simplified the questionnaires and improved accessibility to the SIMA process.

The CCRA is committed to ensuring fair and equal access to the SIMA process for small and medium-sized producers.

The CCRA is currently revisiting the 1998 plan and is developing an action plan with timelines and timeframes to specifically address the Auditor General's concerns.

The action plan will be completed by the end of April 2003, and a copy of the plan will be provided to the Honourable Senator at that time.

These steps demonstrate the CCRA's desire to ensure fair and equal access to the SIMA process for small and medium-sized producers.

TRANSPORT

AIRLINE INDUSTRY POLICY ON PUBLIC HEALTH MEASURES

(Response to a question raised by the Hon. Noël A. Kinsella on November 27, 2002)

Health Canada is in the process of completing an integrated public health program to protect the health of passengers on conveyances operating in Canada.

Health Canada's Workplace Health and Public Safety Program (WHPSP) has undertaken to date, a collaborative approach with operators of passenger conveyances and their ancillary services. For example, the WHPSP has developed, in collaboration with the cruise ship industry, the passenger train industry and the flight kitchen industry, a voluntary compliance program. The objective of the voluntary compliance program is to ensure the provision of safe water and food and sanitation on board these conveyances and from their ancillary services.

The airline industry is one of the last remaining aspects of the travel industry to participate in this fully integrated public health program. Health Canada is currently in negotiations with the airline carriers and anticipates the implementation of the voluntary compliance program within the next year. Health Canada, with the airline industry, will complete guidelines specific to public health. The public health guidelines will address water and food safety, general sanitation and disease surveillance on board aircraft.

The general sanitation component will address availability of toilets, hand basins, hot and cold running water, and cleaning of washrooms. Furthermore, the general sanitation component will address the cleaning of air vents.

FISHERIES AND OCEANS

COAST GUARD—SEARCH FOR VESSEL DUMPING OIL AT SEA—STATUS OF DISABLED RUSSIAN VESSEL

(Response to question raised by the Hon. Gerald J. Comeau on December 11, 2002)

The Government of Canada has not been successful to date in identifying the vessel or vessels responsible for illegally dumping the oil that was found on the recovered birds.

The ocean off the East Coast of Canada is, in a very real sense, the crossroads of the North Atlantic. At all times of the year, there is heavy shipping traffic sharing the habitat of pelagic seabirds; however, during the winter months, the evidence of illegal discharges is the highest. This is because the migratory pelagic birds spend the winter months on the water feeding in this area prior to returning to the Arctic in the summer. Most cases of seabird oiling are classified as mystery spills, where no known source can be identified.

The federal departments of Environment Canada, Transport Canada, and Fisheries and Oceans — Canadian Coast Guard, have developed a Memorandum of Understanding (MOU) for Cooperation to Reduce Illegal Oil Pollution in Atlantic Canadian Waters. The purpose of the MOU is to clearly define the roles and responsibilities of the parties with regard to marine oil pollution and oiled migratory birds. Additionally, it provides a process in order that parties can undertake joint enforcement actions and communications activities to minimize illegal discharges.

The three departments recognize that cooperative efforts are required to deal with the problem of chronic and illegal marine oil pollution. In the future, prosecutions and investigations will be done under the umbrella of the departmental MOU.

With respect to the question regarding “the status of the disabled Russian boat”, it is assumed the question refers to the F/V *Aleksandrit*. On December 16, 2002, it was safely secured in St John's, NFLD, after being towed in by a commercial tug, the *Ocean Fox*.

a response, the Leader of the Government's explanation or the lack of such an explanation are deemed to be referred to the originating committee.

The rationale for this change in the rules is that the Senate invests much of its resources and efforts in conducting special studies and drafting reports that it feels add to the public debate on important policy issues. We have only to think back to the Senate reports from committees such as Social Affairs, Illegal Drugs and National Security, to name but a few, and the impact those reports have had on public discourse to appreciate what it is that we contribute to public policy development in this country.

However, we also know that on topics not as close to the editorial priorities of the media, it is easier for the government to ignore alternative points of view. Certainly, it is in the Senate's best interests to adopt measures that encourage an active consideration of its reports by the government and encourage follow-up by our committees.

One of the strengths of the Senate is continuity of service. We saw this demonstrated by Senator Carstairs and Senator Robertson's follow-up review of the euthanasia report, focusing on palliative care.

In keeping with past reports of this committee this session, we have consciously chosen a mechanism that does not take for granted the decision of the Senate. Rather than making a response of the government automatically required for all reports, this proposal requires an overt expression of will by the Senate before invoking the requirement.

A committee may choose to include the request as part of its report; the request may be included in the motion for adoption of the report; or an individual senator may move a motion requesting this response, following the adoption of a report. We believe this leaves the final authority to make such a request where it belongs — with the Senate itself — while allowing maximum flexibility as to who may make the request.

The question of enforcement was raised and is addressed in the report. Suffice to say that the committee believes in the goodwill of the government to meet its obligations to the upper chamber of Parliament; that the potential negative publicity associated with not responding is important; that the political skills of individual senators have been well demonstrated, and if senators are interested in such responses, their skills to make that fact public are considerable, in fact, formidable; and that the Senate, with sufficient political will, has levers that it may choose to exercise should it feel compelled to do so in defence of its honour and privileges.

In any case, the rule is drafted in such a way as to have even outright defiance of such a request be deemed to be referred back to the originating committee after 150 days, for that committee to follow up as it sees fit.

I believe that the proposed new rules contained in this report address an important interest of the Senate, while respecting its final authority to make such important decisions to exercise its will. Therefore, honourable senators, I commend this report to you and ask that you support its adoption.

[English]

ORDERS OF THE DAY

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

SEVENTH REPORT OF COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the seventh report of the Standing Committee on Rules, Procedures and the Rights of Parliament (amendment to Rule 131— request for Government response) presented in the Senate on February 4, 2003.—(Honourable Senator Milne).

Hon. Lorna Milne moved the adoption of the report.

She said: Honourable senators, this report is in respect of two orders of reference received by the Standing Committee on Rules, Procedures and Rights of Parliament. One was raised in the last session and reported in the fourteenth report of this committee, which did not pass because of prorogation. Subsequently, the report was raised by Senator Gauthier, and some portions of it were referred to the standing committee. Also, Senator Cordy made a motion from the Standing Senate Committee on National Security and Defence, and this has been referred to our committee.

The report before you proposes to change the *Rules of the Senate* such that, upon the adoption of a committee report, the Senate may then adopt a motion requesting a response from the government within 150 days. Failing a response, the *Rules of the Senate* would require a detailed explanation from the Leader of the Government in the Senate. Further to that, 150 days after the adoption of such a request, the report and the response, or, failing

[Senator Robichaud]

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I want to commend Senator Milne and her committee for having come up with what, I think, is an excellent rule recommendation. Perhaps it is being a little optimistic to say that the government would have an obligation. I do not think the government is anywhere required to reply.

• (1430)

That being said, I wonder whether Senator Milne and her colleague would agree to perhaps tightening up the clause that reads as follows:

(3) Upon adoption of a report or a motion pursuant to subsection (2), the Clerk shall communicate the request to the Government Leader...

Would it not be advisable to have the request directed to the minister responsible as well as to the government leader and to insert the word "immediately"? With all due respect to the excellent work of our clerk, a few days may go by, because of other responsibilities, before he is able to get to it. Meanwhile, the 150 days start ticking away.

I would recommend that the minister also be made directly aware of the views of this chamber through a communication by the Clerk of the Senate. The Leader of the Government should be copied so that our views go directly to the minister, rather than to the minister through the Leader of the Government. It may sound a bit picky, but in my opinion an address directed to the minister carries more weight.

Senator Milne: The honourable senator's request seems to be a proper one. I wish we had incorporated that into the report in the first place. However, I think the report as it stands will probably do. Normally, the communication between this chamber and the other is through the Leader of the Government in the Senate. This is the normal procedure, the normal channel of communication, except of course in the papers. I think the report as it stands will be adequate.

Hon. Terry Stratton: Honourable senators, I have a question for the chair of the Rules Committee. Could we not, with the concurrence of this chamber, simply agree to that amendment now? If amended, the clause would add emphasis on what needs to be done without dramatically changing the report at all. As a matter of fact, that amendment to add the minister would add to the report's effectiveness.

Senator Milne: Honourable senators, I must tell you, I may be chair of the Rules Committee, but I am unclear as to how to effect that change within this chamber itself. Should an honourable senator move an amendment to the report? Is someone willing to make that motion? If so, I am quite willing to accept it.

Senator Stratton: Honourable senators, I move that the report be amended to add the minister.

Senator Lynch-Staunton: Honourable senators, I think we need precise wording, in writing. Perhaps we could suspend this item and write out an amendment.

Senator Milne: Honourable senators, with the permission of the chamber, may we return to this item later on the Orders of the Day?

Hon. Anne C. Cools: No.

Senator Stratton: I move adjournment of the debate.

Senator Kinsella: Question!

Senator Stratton: Honourable senators, I was unaware that other senators wish to speak to this report today. With the permission of honourable senators, I withdraw my motion to adjourn so that others may speak.

The Hon. the Speaker *pro tempore*: Honourable senators, we will resume debate.

Hon. A. Raynell Andreychuk: Honourable senators, I would ask the chair whether she recalls that, when the committee was dealing with this matter, the intent was to convey the message to the minister. The Leader of the Government in the Senate is a cabinet minister, and we thought that fact would carry additional weight. We weighed both points. Certainly the Leader of the Government here would be more compelled and obliged to take note of this message. I think the committee's message would be covered if the clause read, in part, "to the Minister and to the Government Leader..."

That would be in line with the committee's intention and would provide greater certainty, as Senator Lynch-Staunton has said. I hope we can pass that motion to amend and not delay the report any further by returning it to the committee.

Senator Cools: Honourable senators, I have looked at the report with some interest. I should like some explanation on the statement that begins at the bottom of page 1:

On May 17, 2001, the Senate had referred to your Committee a motion by Senator Gauthier, as amended by Senator Lynch-Staunton, that would have amended the *Rules of the Senate* to enable the Senate, after approving a report submitted by a standing committee, to refer that report to the Government with a request for a comprehensive response by the Minister within 90 days.

The paragraph continues to say essentially that that report was not adopted prior to prorogation.

Communication between the two Houses of Parliament was traditionally handled by message. According to this report, there is mention of "referring" a report to the government. What mechanism could the Senate possibly use to refer a report to the government?

Senator Lynch-Staunton: It could use a message to the minister.

Senator Milne: Honourable senators will read, at page 5, the following:

Upon adoption of a report or motion pursuant to subsection (2), the Clerk shall communicate the request to the Government Leader who shall, within one hundred and fifty calendar days after the adoption of the report or motion, either table the Government's response or give an explanation for not doing so...

Senator Cools: Honourable senators, I have read it carefully and I would submit that the Clerk sending a piece of mail or a communication to the government leader is not quite the same thing as "referring" a matter to the government. We know what we do when we refer a matter to a committee here. It is a clearly understood parliamentary procedure. As far as I know, there is no real method for referring a matter to a minister. I should like some clarification. The comment of the honourable chairman of the Rules Committee does not explain how a matter here in the Senate can be referred to a minister.

I would assume that, if we had such a procedure, there must be a reverse procedure where a minister could simply refer a matter to the Senate. The business of reference in the high court of Parliament, as is the business of reference in a superior and inferior court, has a particular meaning. I should like to know what "refer" means in this report. My interest in this issue has been stimulated. Are we following proper procedure?

Senator Milne: Honourable senators, if one reads further in the report, one will see that the present committee, as compared to the one in the last session of this Parliament, did not follow exactly the same procedure. I refer you again to point three in the recommendations:

Upon adoption of a report or motion pursuant to subsection (2), the Clerk shall communicate the request to the Government Leader who shall, within one hundred and fifty calendar days after the adoption of the report or motion, either table the Government's response or give an explanation for not doing so...

Senator Cools: That is not a "reference." That is a mere delineation, a system whereby a document is carried by one person's hand to the other. That is not a reference; neither does it carry the power or the system of an order of the Senate that a reference historically and traditionally carries.

• (1440)

A reference is a peculiar thing. This is not a reference. This is not much more than asking one of the pages to deliver a piece of paper.

On motion of Senator Stratton, debate adjourned.

COMMITTEE OF SELECTION

FOURTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report of the Committee of Selection, presented earlier this day.

Hon. Bill Rompkey moved adoption of the report.

Motion agreed to and report adopted.

PANDEMIC OF HIV/AIDS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Oliver calling the attention of the Senate to the pandemic of AIDS-HIV which is sweeping across some of the most heavily populated countries in the world, such as India and China, and is in the process of killing 6,000 Africans per day, and the role that the Government of Canada could play in fighting the disease which is destroying much of the emerging third world.—(*Honourable Senator Jaffer*).

Hon. Yves Morin: Honourable senators, this month, as we marked World AIDS Day, we also marked a milestone of sorts. For the first time, half of the 42 million people infected with the disease are women. More than three-quarters of these people live in sub-Saharan Africa, where the heaviest burden is being borne. There, women make up nearly 60 per cent of those who are infected, and the rate of AIDS infection among women aged 15 to 24 is twice that of men of the same age.

Infected women are spreading the disease to their children through childbirth and breast-feeding. In fact, while we in North America think of AIDS as a disease affecting gay males and drug users, in most of southern Africa, HIV/AIDS is becoming overwhelmingly a disease of women and children.

The burden of AIDS in this part of the world is being made worse by famine. It is a vicious circle. When illness strikes, people are unable to work the fields, and women and girls are responsible for as much as 80 per cent of food production in this area.

Much attention has been focused on the lack of treatment options for people in Africa. In North America and Europe, drugs have changed AIDS from a death sentence into a chronic disease to be managed. In Africa, according to the World Health Organization, maybe 1 per cent of people with AIDS have access to those drugs. The typical African woman is dead three years from the time she learns she has the disease.

While progress is being made on making treatments more easily available to people in Africa, we cannot lose sight of the fact that HIV/AIDS is a disease that is completely preventable. We must take whatever measures we can to help prevent the spread of AIDS, not only in our own countries but also in countries such as Lesotho and Malawi, Mozambique and Swaziland, Zambia and Zimbabwe.

The basis of AIDS prevention, telling women they can say "no" to sex and use protection, and telling men to respect women's choice, runs counter to cultural norms in many African countries. The development of a prevention method that women could control would save millions of lives every year.

Such women-controlled products exist and are now being tested. Preliminary studies have shown that these products, known as microbicides, would substantially reduce the transmission of AIDS. Microbicides offer a powerful new prevention tool in the fight against this terrible disease. These compounds are, for this reason, very promising products, particularly for young women.

This fact is being recognized throughout the world. Dr. Geeta Gupta, President of the International Center for Research on Women, has said:

I firmly believe that the development of microbicides could do for women's reproductive health the same thing that the pill did in its invention 40 years ago.

This could do for infection (from AIDS) what the pill did for fertility control for women in terms of putting power into their hands...

Unfortunately, the great potential of this preventive tool may never be realized. Pharmaceutical countries will not invest in microbicides because the main market would be in developing countries. Women in these resource-poor settings would have limited ability to pay for these products.

Many countries in the industrial world have, however, committed to correcting the problem. They have made the development of microbicides a priority among their global health initiatives. For instance, the Department of International Development of the United Kingdom has recently invested \$36 million in projects on microbicides in South Africa. Other European countries have also donated generously to this program, including France, Germany, Sweden, Belgium and Ireland. A small country like the Netherlands has just invested \$12 million. The U.S. National Institutes for Health, for its part, has distributed \$53 million for this microbicide program. It is evident that microbicide research has become a priority both in Europe and in the U.S. These countries have all invested heavily in programs targeted to ensuring the benefits of microbicides reach African countries.

The Canadian AIDS Society has also made microbicides one of its top priorities. The Canadian government, however, has not, up to now, invested in this crucial research field. This is especially surprising, as Canadian researchers have already developed very promising microbicides for the prevention of AIDS. For example, sodium lauryl sulfate, a microbicide developed by a Toronto company, will finally be tested clinically, with the help of the U.S. government. Another sodium lauryl sulphate microbicide, developed by Dr. Michel Bergeron of Laval University, has been found in preliminary animal and human studies to be both safe and effective, but must now be tested clinically in Africa.

The cost of an adequate microbicide clinical trial in Africa is not cheap. It amounts to some \$4.5 million. However, there is no way around it. It must be done before these products can be made widely available.

• (1450)

As Stephen Lewis, the UN special envoy for HIV/AIDS in Africa, recently stated, the pendulum will swing. With the mobilization of technical capacity, you could turn around AIDS in Africa in five or six years.

Canada has taken a leadership role among G8 countries in promoting a new Africa Action Plan and will invest \$6 billion in it. An effective microbicide is an essential part of the arsenal for preventing this unprecedented epidemic among the African population. We must see that this product reaches those who desperately need it. I call on the Canadian government to follow the lead of other countries and invest in microbicide research. I call on honourable senators to support initiatives that may well

save the lives of millions among the most vulnerable people of the world, sub-Saharan African women.

[Translation]

Hon. Eymard G. Corbin: Honourable senators, I noticed that the honourable senator emphasized the need for the government to contribute to the development of this kind of product.

Could you tell us which Canadian pharmaceutical companies are working in this field? Why do they need to wait for the government to give them a push, when the government has given substantial tax breaks to Canadian pharmaceutical companies to pursue work in this country?

It seems to me that there lies a zone of incredibility between the two. My criticism is in no way directed to the honourable senator or to his comments. However, there is an important link missing in the global effort to develop the medicines needed to fight the devastating effects of the scourge that is sweeping across Africa and other parts of the world.

Senator Morin: Honourable senators, I thank Senator Corbin for his question. Indeed, this is a particular problem, in that pharmaceutical companies are private businesses that invest where it is profitable. They do not invest where there is no profit to be made. Unfortunately, in the case of microbicides, the market is in Africa, specifically among young African women who currently make up the lion's share of AIDS cases. They cannot afford to pay for these products.

Of course, it would be very nice if pharmaceutical companies were to invest in research, but the reality is that they are independent entities and they will invest where they see fit. They are in business and most of them are multinational corporations that make decisions outside of Canada.

That said, we must be realistic, pragmatic, and try to save the lives of these young women. It has now been proven that the prophylactic measures used in North America cannot be used in Africa. Women do not have the independence needed to use these means. There is also the issue of a vaccine. A vaccine will not be available in Africa for another ten years.

So these microbicides need to be promoted. Other countries have done so: Holland has invested \$12 million, England \$36 million, and the United States \$60 million. The fact that Canada is not investing in them is all the more ironic in that our researchers have developed some excellent products. Yet, they cannot get the necessary government funding to carry out clinical trials in order to make these products available to the young women of Africa.

I agree with Steven Lewis, an expert in this area, that this is something that must be done promptly. Canada must fall into line with the other countries on this.

On motion of Senator Jaffer, motion adjourned.

OFFICIAL LANGUAGES

INQUIRY

Hon. Jean-Robert Gauthier, having given notice on Tuesday, December 10, 2002:

That he will call the attention of the Senate to the need to put in place a real policy on the active offer of judicial and legal services in the minority official language and the need for the federal government to take all necessary measures in order to serve official language communities at risk.

He said: Honourable senators, this is a timely topic. All of the figures and information I will be sharing with you come from the Justice Canada study entitled "Environmental Scan: Access to Justice in Both Official Languages", published in 2002. It describes recent changes in languages and the law, and indicates a general dissatisfaction with legal services in French in the nine provinces and three territories in which French is the minority language.

The provinces are classified into three groups. First, there is the group where work has yet to begin: Newfoundland and Labrador, and British Columbia. The researchers who contributed to the report suggest a census of bilingual lawyers, and appointment of bilingual prosecutors and at least one bilingual judge. To supplement those measures, inter-provincial loans of services should continue.

Then we have the provinces where progress toward better access to justice in the minority official language is in its infancy: Alberta, Saskatchewan, Manitoba, Nova Scotia and Prince Edward Island. In those cases, more francophone judges need to be appointed and bilingual court staff positions created, and innovative approaches adopted, including single-window service, itinerant courts and computerization.

The three central provinces — Ontario, Quebec and New Brunswick — of course have their own problems, but those problems are not as serious.

Consequently, less significant measures are needed to improve access to services in French. I am quoting from the report:

For these provinces, services in both official languages need to be made easily accessible throughout the entire province in question, an active offer policy needs to be developed and implemented, measures need to be taken to ensure that judicial personnel are able to serve the public in the language of their choice, and use of the minority language needs to be standard practice in order to overcome the idea that proceeding in the minority language creates an inconvenience or increases the costs and time involved.

• (1500)

A survey of lawyers revealed that they are generally dissatisfied with French language judicial and legal services provided by provinces other than Quebec. The report shows the levels of dissatisfaction among lawyers in the following categories:

criminal law, bankruptcy law, and the law of divorce and support for all of the provinces with the exception, of course, of Quebec.

It is interesting that the level of dissatisfaction in the area of criminal law is so high when the Criminal Code contains provisions — sections 530 and 530.1 — that ensure Canadians the right to services in French.

The problem of access to services in French clearly has an impact on the choice of parties on whether or not to proceed in French in courts outside of Quebec. As a matter of fact, delays and costs incurred as a result of requesting a trial in French do influence parties and discourage them from proceeding in French.

According to the report, 54 per cent of lawyers outside Quebec are of the opinion that deciding to proceed in French causes delays; 39 per cent of lawyers believe that this factor has an impact on the decision as to whether to proceed in French; 13 per cent of lawyers believe that deciding to proceed in French will have an influence on the judgment in the case, or even on the chance of an appeal; 26 per cent of lawyers perceive a fear of negative impact on the part of their clients, as explaining their decision not to proceed in French; 54 per cent of these clients do not perceive that fear and 20 per cent do not know.

This is insulting when one considers that access to a fair trial in the official language of one's choice is a constitutional right!

The situation for Anglophones in Quebec is quite different. Lawyers in Quebec are generally quite satisfied with legal services provided in the minority language in all three federal jurisdictions, criminal law, divorce law and bankruptcy law. The level of satisfaction in Quebec is 87 per cent, even 100 per cent in some regions.

We have to wonder. Are Canadians aware of their constitutional rights to a trial in the official language of their choice? According to the lawyers surveyed in the poll, 40 per cent believe that judges inform accused individuals who are not represented by counsel of their language rights. In Quebec, 71 per cent of the lawyers questioned say that they are aware of section 530 and 530.1, and 60 per cent, again in Quebec, think that judges inform accused persons, who are not represented by counsel, of their language rights.

The researchers propose an active analysis of minority official language services, and I quote the report:

At the national level, with the exception of a few provinces, active offer of services in the minority official language is not always made, and the components of what might be expected in a genuine policy are present only in somewhat limited fashion.

Yet, there is an active demand for services in French. Some 128 lawyers with French as their first language, who practice outside of Quebec, estimated that, on average, their Francophone clients represent 40 per cent of their total clientele and that about 46 per cent of their Francophone clients request judicial and legal services in French. Whereas, the 42 lawyers whose first

language is English, but who are bilingual, estimated that their Francophone clients represent about 15 per cent of their total clientele, and that 46 per cent of those Francophone clients request services in French.

As for interpretation services, 64 per cent of lawyers believe that they are easy to access. Assembling a jury that is able to understand the case in French is problematic in some regions of the country. The lower the concentration of francophones in a region, the more difficult it is to assemble this kind of jury.

The *Beaulac* judgment notwithstanding — a *cause célèbre* — the problems with access to legal services in French persist. The report entitled “Environmental Scan: Access to Justice in Both Official Languages” interprets the access to legal access in the minority language as follows:

The situation as it relates to access to justice in both official languages evidently varies from one province, territory or judicial division to another. For one thing, the three territories have a less highly developed judicial infrastructure. In those three jurisdictions, borrowing services from other provinces appears to offer a temporary solution while waiting for resident bilingual judges to be appointed.

The report proposes some solutions for the problems specific to each province and territory. It points out the obstacles, in some instances offering exemplary practices to follow, and proposes some potential solutions. These recommendations merit serious study and need to be implemented.

That is why I feel there is an urgent need for the Senate Committee on Official Languages to address this issue.

The Hon. the Speaker: Honourable senators, if no other senator wishes to speak on this inquiry, the inquiry will be deemed debated.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday next, February 11, 2003, at 2 p.m.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, February 11, 2003, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(2nd Session, 37th Parliament)
Thursday, February 6, 2003

GOVERNMENT BILLS
(SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties.	02/10/02	02/10/23	Banking, Trade and Commerce	02/10/24	0	02/10/30	02/12/12	24/02
S-13	An Act to amend the Statistics Act	03/02/05							

GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-4	An Act to amend the Nuclear Safety and Control Act	02/12/10	02/12/12	Energy, the Environment and Natural Resources	03/02/06	0			
C-5	An Act respecting the protection of wildlife species at risk in Canada	02/10/10	02/10/22	Energy, the Environment and Natural Resources	02/12/04	0	02/12/12	02/12/12	29/02
C-8	An Act to protect human health and safety and the environment by regulating products used for the control of pests	02/10/10	02/10/23	Social Affairs, Science and Technology	02/12/10	0	02/12/12	02/12/12	28/02
C-10	An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act	02/10/10	02/11/20	Legal and Constitutional Affairs	02/11/28	divided			
C-10A	An Act to amend the Criminal Code (firearms) and the Firearms Act	-	-	Legal and Constitutional Affairs	02/11/28	0	02/12/03		
C-10B	An Act to amend the Criminal Code (cruelty to animals)	-	-	Legal and Constitutional Affairs					
C-11	An Act to amend the Copyright Act	02/10/10	02/10/30	Social Affairs, Science and Technology	02/12/05	0	02/12/09	02/12/12	26/02
C-12	An Act to promote physical activity and sport	02/10/10	02/10/23	Social Affairs, Science and Technology	02/11/21	0 + 1 at 3rd 02/12/04 2 at 3rd 03/02/04	03/02/04		

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-14	An Act providing for controls on the export, import or transit across Canada of rough diamonds and for a certification scheme for their export in order to meet Canada's obligations under the Kimberley Process	02/11/19	02/11/26	Energy, the Environment and Natural Resources	02/12/04	0	02/12/05	02/12/12	25/02
C-21	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003	02/12/05	02/12/10	-	-	-	02/12/11	02/12/12	27/02
COMMONS PUBLIC BILLS									
No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-300	An Act to change the names of certain electoral districts	02/11/19							
SENATE PUBLIC BILLS									
No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-3	An Act to amend the National Anthem Act to include all Canadians (Sen. Poy)	02/10/02							
S-4	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	02/10/02							
S-5	An Act respecting a National Acadian Day (Sen. Comeau)	02/10/02	02/10/08	Legal and Constitutional Affairs					
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	02/10/03							
S-7	An Act to protect heritage lighthouses (Sen. Forrestall)	02/10/08							
S-8	An Act to amend the Broadcasting Act (Sen. Kinsella)	02/10/09	02/10/24	Transport and Communications					
S-9	An Act to honour Louis Riel and the Metis People (Sen. Chalfoux)	02/10/23							
S-10	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	02/10/31							
S-11	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	02/12/10							
S-12	An Act to repeal legislation that has not been brought into force within ten years of receiving royal assent (Sen. Banks)	02/12/11							

PRIVATE BILLS

[illegible]

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Tuesday, February 11, 2003



THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Tuesday, February 11, 2003

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

CANADIAN ATHLETES

CONGRATULATIONS ON STELLAR PERFORMANCES

Hon. Yves Morin: Honourable senators, over the weekend, three Canadian athletes struck gold on the world stage. Two women, Cindy Klassen and Clara Hughes, both of Winnipeg, made speed-skating history in Sweden.

[Translation]

I would, however, like to focus particularly on the brilliant success of Mélanie Turgeon, of the beautiful Quebec City area, who — no offence to my friend Senator Mahovlich — is involved in that most strenuous of sports, downhill skiing. Last Sunday, she became world downhill champion, clocking an amazing 1 minute 34.3 seconds on the extremely difficult course at St. Moritz. This put an end to a decade-long medal drought for Canada.

Mélanie trained at two of the most spectacular ski resorts in the country, Mont Ste. Anne and the Massif de Petite Rivière Saint-François in the beautiful region of Charlevoix. Getting to the first place podium has required extraordinary determination and strength of character. I have had the pleasure of meeting Mélanie on a number of occasions and was attracted by her friendliness and charm. She is a role model for all Canadians, whether of her own age or of our more advanced years.

I invite all honourable senators to join me in congratulating Melanie Turgeon on her remarkable achievement.

[English]

HUMAN RESOURCES DEVELOPMENT

STUDENT LOANS PROGRAM—COLLECTION OF LOANS

Hon. Norman K. Atkins: Honourable senators, I rise today to address a topic that we have dealt with previously in this chamber. Unfortunately, the situation seems to be worsening. The subject that concerns me is the debt load faced by students who are in post-secondary education institutions in Canada or who are recent graduates.

Students who borrow money from government in order to pursue education beyond high school are faced with many challenges. They may not obtain the full-time work that they have been educated to pursue. They may feel that they need more than a diploma, a certificate or a degree to be marketable in today's society. On top of these worries, they have to deal with repayment of their student loans.

In order to balance the budget and eliminate deficits, grants from the federal government to the provinces for education purposes were reduced through the latter part of the nineties. While it was important to put our financial house in order, a number of victims were claimed along the way. Post-secondary students who had to borrow money to attend university or college were among those victims. It is not my intent to complain about the government's lack of response to these young people caught in the crunch between tuition fees that keep going up and up and the need to borrow to access post-secondary education.

Honourable senators, I want to address the method by which these loans are collected. Surely, these loans should not be shovelled off to loan collection agencies. Surely, we can do better than this. Surely, the government could impose a moratorium so that loans and defaults stay with the lending agencies for at least two years, while the students try to work out a suitable repayment plan. Surely, the bureaucrats who administer this program could meet with the lenders to impress upon them the need for patience and compassion as the students attempt to find their place in the world of work and accept their financial responsibilities. These young people are our future. We owe them this much.

JUSTICE

SAFETY AND SECURITY

Hon. Gerry St. Germain: Honourable senators, safety and security are not some abstract concepts that social engineers can play with. They are basic perceptions that underlie the very foundations of our communities. People feel safe on our streets and secure in their homes when our justice system delivers justice; and justice is done when justice is seen to be done. The judiciary in this country cannot continue to be blind to public perceptions. Public fear and feelings of insecurity are increasing because criminals are not receiving the kind of punishment that society expects.

Inderjit Singh Reyat was sentenced yesterday to five years for manslaughter, after a plea bargain, in one of Canada's most notorious mass murders. Millions of dollars have been spent over many years investigating this horrific crime.

• (1410)

Honourable senators, how can Canadians feel safe in their communities when the Criminal Code allows minimum sentences far less than what most reasonable people consider as punishment commensurate with the crime? How can we feel protected against terrorism and other horrific criminal acts if our courts continue to ignore the public will and make sentencing decisions that make no sense whatsoever when considered relative to the gravity of the crime.

It is time that we, the people, take back our justice system from the elites of this country. It is time to review the Charter of Rights, which stands in support of certain wrongs. It is time to

review the minimum sentencing provisions of the Criminal Code to ensure that we punish criminals and deter crime. It is time we review judicial appointments at the legislative level. It is time we take the justice system back before people begin to take justice into their own hands.

YUKON QUEST DOGSLED RACE

Hon. Ione Christensen: Honourable senators, in the Yukon, we are into day two of the Yukon Quest. Twenty-three mushers and an average of 250 dogs will be running for up to 13 days through some of the wildest terrain and most severe weather in the northern hemisphere.

It is a true test of endurance as the mushers and their dogs run the 1,300 kilometres that separate Whitehorse, Yukon, from Fairbanks, Alaska. Cold weather, isolation and sleep deprivation put pressure on the mushers who must ensure that their teams are well fed, rested and watered.

Each dog wears booties — in a team of 14 dogs that is 56 little shoes. These booties wear out or are frequently lost. This small task alone is very demanding for a musher as one dog can go through 16 sets of such shoes during a race.

The Yukon Quest is known to be the toughest dogsled race in the world. It is certainly a “go as you are” situation. With the exception of one mandatory two-day layover in Dawson City, the musher is the only one allowed to care for the dogs.

The race is a replica of the days before the snow machine, planes and roads. Dogsledding is how the early prospectors, trappers, mail carriers and RCMP officers would travel. In those days, a musher had to be totally self-contained.

My father, who was an RCMP member, would do long patrols with his dogs, that would last for weeks at a time. I also had my own small team and a trap line at that time. It was my dedication to this profession at the age of 11 that convinced my mother that a girl's boarding school in Vancouver Island was the best place for me to continue my education.

At the beginning of the Quest in 1983, my father was the official starter for the Whitehorse Darts. He continued until his death at 95 years of age.

Honourable senators, this year is the twentieth anniversary of the Quest, and the winner will go home, not only with bragging rights, but also the grand prize of \$30,000 U.S. This morning, Martin Massicotte from Quebec, with 13 dogs, was holding first place in that race. Thomas Tetz from the Yukon was in second place with 14 dogs. However, this was no indication of who will be the final winner, as the complex mind games that are played during this race will determine, in the last couple of hours, who actually wins.

In closing, I wish the mushers good luck and safe trails.

ROUTINE PROCEEDINGS

NATIONAL ANTHEM ACT

BILL TO AMEND—FIRST READING

Hon. Noël A. Kinsella (Deputy Leader of the Opposition) presented Bill S-14, to amend the National Anthem Act to reflect the linguistic duality of Canada.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Kinsella, bill placed on the Orders of the Day for consideration two days hence.

[Translation]

SCRUTINY OF REGULATIONS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Céline Hervieux-Payette: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Committee for the Scrutiny of Regulations be authorised to permit coverage by electronic media of its public proceedings on Thursday, February 20, 2003, with the least possible disruption of its hearings.

QUESTION PERIOD

OFFICIAL LANGUAGES

NORTHWEST TERRITORIES ACT

Hon. Jean-Robert Gauthier: Honourable senators, my question is for the Leader of the Government in the Senate. Last week, several questions were asked regarding amendments the Government of the Northwest Territories will propose, in early March 2003, to its own Official Languages Act.

I want to thank the honourable minister for the information she provided us that day. This is a very important and complex issue. This issue is important, above all, to minority francophone communities.

With regard to amending the Northwest Territories' Official Languages Act, the minister indicated in this House on February 5 that Parliament should agree to this by amending the Official Languages Act. The section in question is section 43.1 of the Northwest Territories Act.

What procedure does this government intend to follow to ensure that Parliament possesses all the information it needs on the scope of the bill to make a decision?

[English]

Hon. Sharon Carstairs (Leader of the Government): The honourable senator asks a question specifically about the regulations for section 41. To the best of my knowledge, they are not forthcoming, but I will make an inquiry to the responsible minister to see if I can give the honourable senator a further update.

[Translation]

Senator Gauthier: I will repeat my question, since it was misunderstood. The proposed amendments to the Northwest Territories Act, the Official Languages Act, must necessarily be supported by the Parliament of Canada.

On March 3, as explained last week, the Northwest Territories intend to introduce amendments to its Official Languages Act.

What measures are being taken and what information does the government intend to share with us to give us the necessary explanation of the scope of the proposed amendments to the Official Languages Act?

[English]

Senator Carstairs: My understanding, honourable senators, is that a parliamentary committee of the Legislative Assembly of the Northwest Territories is studying the Territories' Official Languages Act. They have not, as yet, made a presentation to the federal government.

Senator Gauthier: Honourable senators, my question to the minister also said, "The Attorney General maintains that Part VII of the Official Languages Act does not create obligations or rights." When the present law was being discussed here in Parliament in 1988, the then Secretary of State told me that section 41 of the Official Languages Act does indeed create obligations on the government.

• (1420)

Fifteen years after the adoption of said law, no regulations for implementation of section 41 have been proposed or adopted by the government. No rules means no law. It is an empty shell, which is being interpreted in different ways by different people.

The Northwest Territories have no such regulations either. They have directives, which are not the same thing.

Sunset clauses in the Northwest Territories Official Languages Act and in the New Brunswick Official Languages Act provide that those laws must be reviewed after 10 years. When will the federal government set the right example and propose regulations for section 41 of the Official Languages Act? Or is it the intention of the government, after 15 years of experience with this law, to review the entire act to modernize it and bring it up-to-date?

Senator Carstairs: Honourable senators, at the present time I do not know of any intention, as I indicated earlier, to either introduce regulations or conduct a review of the entire act.

However, clearly, that is the representation the honourable senator would like me to make to the minister and I will make that representation on his behalf.

HERITAGE

EXPENSE CLAIMS OF MINISTER

Hon. Marjory LeBreton: Honourable senators, my question is for the Leader of the Government in the Senate.

Access to information requests show that Heritage Minister Sheila Copps claimed almost \$180,000 in personal expenses over a 22-month period. Almost \$81,000 of that amount was labelled as unspecified "other expenses" and did not have accompanying receipts.

The practice of claiming expenditures without showing where the money went is apparently perfectly acceptable to this government. No private company would allow that and no individual would get away with it when they filed their income tax forms.

Honourable senators, the government recently stressed provincial accountability in health care spending, but has not exercised its own accountability in areas such as the gun registry, HRDC and Groupaction scandals. This is a simple case of the federal government telling Canadians, "do as I say, not as I do."

Will the Leader of the Government in the Senate tell us whether the Prime Minister will require the Heritage Minister to submit proper receipts? If not, will the Prime Minister ask her to reimburse taxpayers for the unsupported claims?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the policy with respect to the expenses of the ministry was a policy in force and effect during all of the Mulroney years. It has not changed, nor do I think there have been any decisions to make any changes.

TREASURY BOARD

RELEASE OF INFORMATION ON EXPENSE RECORDS

Hon. Marjory LeBreton: Honourable senators, this system has obviously been in use for some time by this government, but on March 15, 2002, in the other place, the President of the Treasury Board the Honourable Lucienne Robillard said the "Prime Minister has asked all ministers and their political staff to release information related to their expense records."

Will the minister ask the Prime Minister to make his cabinet ministers comply with his request and the Income Tax Act and to suspend the honour system for claiming expenses?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the answer to the the honourable senator's question is this: Ministers fill out a form each and every month, listing their expenses. That information is filed, as it was done in the previous administration, but the receipts are kept in the minister's offices.

Senator LeBreton: Honourable senators, the minister did not answer my question, which is simply about the President of the Treasury Board asking the ministers to comply. I wonder, one year later, why they have not?

Senator Carstairs: They were asked to comply with the policy as it exists, and they do.

ENVIRONMENT

CLOSURE OF SASKATCHEWAN METEOROLOGICAL OFFICE

Hon. David Tkachuk: Honourable senators, I have a question on the Environment Canada Saskatoon office. An announcement was supposed to be made at the end of January as to the closure of the weather office in Saskatoon, the only one left in our province. Minister Anderson then delayed the announcement. Has the minister any further information as to whether the Saskatoon operations will be eliminated and moved to Edmonton?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, all I can undertake with the honourable senator is to lobby as hard for Saskatoon as I am lobbying on behalf of Winnipeg, just two among a number of weather offices that were recommended for closure. At this point, no policy decision has been made.

Senator Tkachuk: Honourable senators, perhaps the minister could go a little further than simply asking. Since 1997, the present office has been little more than a consulting office, when the federal government chose to move the metrological staff to Edmonton. At the time, there was a lot of controversy about the move. Alan Manson, Chair of the Institute of Space and Atmospheric Studies at the University of Saskatchewan, said that the quality of the information had already fallen drastically, and was so low that even losing what we had would have little effect. We really need to reinstitute the weather office in our province, a province that relies on weather information for our local economy.

Could the leader take her representations a little further and ask that provinces like Saskatchewan, which depend on weather information on a daily basis, have their weather offices reinstituted?

Senator Carstairs: Honourable senators, to be fair, it is unlikely that there will be any reinstitution of services that have been lost. The indications I have, unlike those of the professor, are that services have been maintained. However, as I indicated to the honourable senator, there has been some question about complete closure of a number of offices across the country. The two that I am particularly concerned about are in Winnipeg and Saskatoon. We both live in provinces where there are extreme temperatures. However, the ministry has retaken the matter under consideration and, hopefully, they will make a different decision than the one that was originally proposed.

Senator Tkachuk: Honourable senators, perhaps the leader could mention in that cabinet meeting, where I am sure she will raise this matter, that I will be following-up with a letter. Perhaps, as well they could read what Mr. Manson said. He said that the notion that you can do it all from a central base, with a large computer with no local knowledge or tailoring of the forecast, is ridiculous. What we have here is a ridiculous federal government policy of closing weather stations across the country, thinking that machines can take the place of quality meteorologists to supply people, businesses and the farming community with the information they need.

Senator Carstairs: Honourable senators, to be fair, I think Edmonton, where the main office is presently located, has good quality meteorologists. However, it is important to have forecasting in local communities, particularly in our provinces, for the reasons that I have given. Some of us are working hard on this matter.

HEALTH

WORLD TRADE ORGANIZATION—USE OF GENERIC DRUGS TO TREAT HIV/AIDS IN AFRICA

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. It relates to AIDS and AIDS treatment.

On October 23 last year, I rose and spoke in an inquiry, and raised issues about the use of generic drugs for treatment of AIDS in Africa.

In his recent State of the Union Address, United States President Bush promised \$15 billion over five years to combat the scourge of HIV/AIDS in Africa. If that pledge is kept, it will make a profound difference in the lives of more than 25 million Africans who fight this disease with little hope. In his speech, the President endorsed the use of generic drugs to fight AIDS in that continent and spoke about the important role they play in making medication accessible to those who have no way of paying for more expensive drugs.

Honourable senators, there is no good reason why drugs that prolong life for AIDS patients in the developed world cannot be made available in the developing world. In order to help make this a reality, I believe Canada must use its position as a leading trade nation to ensure that the WTO encourages generic drug manufacturers to export those vital drugs to Africa at the lowest cost possible.

• (1430)

Currently, WTO rules allow countries in crisis to produce unauthorized generic copies of a patented drug as long as the manufacturing occurs on its own soil. For many African countries, even this is a difficulty.

What measures has the Government of Canada taken to promote public health over private profits in global trade arrangements concerning the treatment of AIDS?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for his question. Like him, I was delighted with the announcement by President Bush in the State of the Union Address that \$15 billion will be earmarked for AIDS in Africa. Clearly, that is a substantial commitment. One hopes that it can be met through the American budgetary process, which it will have to undergo before it will be put into place.

The honourable senator is also aware that there is an Africa Fund established by this government. Some of the resources from that fund will also be directed to the AIDS initiative.

Concerning the discussions before the WTO, I will make representations to Mr. Pettigrew with respect to the suggestion put forward this afternoon by the honourable senator.

AFRICA—GOVERNMENT CONTRIBUTION TO COMBAT HIV/AIDS

Hon. Donald H. Oliver: Honourable senators, the \$15-billion pledge by the United States is 40 times bigger than the \$500 million announced by Canada in last year's G8 summit in Kananaskis. Overall, this country's official development assistance for 1999-2000 was 0.29 per cent of GNP, down from 0.49 per cent in 1991-92 under the previous Conservative government.

The UN Special Envoy for AIDS in Africa, Mr. Stephen Lewis, a Canadian, in response to the State of the Union Address, said:

Countries like Canada are really on the hook to go back to their own treasuries and ask how they are going to up their own contributions to the epidemic... I don't know how they can escape it.

Is the federal government currently considering an increase in the amount of financial aid given by this country to fight AIDS in Africa?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, we will have a better understanding of that next Tuesday at 4:30.

ENVIRONMENT

LEGISLATION TO IMPLEMENT KYOTO PROTOCOL

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I should like to ask the Leader of the Government in the Senate if the government has decided if enabling legislation will be necessary to implement the Kyoto accord in whole or in part? If so, when can it be expected?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I think that question is somewhat premature. Perhaps the honourable senator knows that discussions are ongoing with the provinces with respect to the implementation of the Kyoto accord. Until that process is completed, I do not think that they will be in a position to go forward with enabling legislation.

UNITED NATIONS

POSSIBLE WAR WITH IRAQ

Hon. Douglas Roche: Honourable senators, my question is for the Leader of the Government in the Senate. Every hour, we get closer to war in Iraq. Today, on leaving cabinet, Prime Minister Chrétien said we should pray for a positive report by Hans Blix when he reports to the Security Council on Friday. I think prayer is not a bad idea, but I would like to couple it with action.

The Governments of France, Germany and Russia want to triple the number of UN inspectors in Iraq to ensure there can be no hiding or development of weapons of mass destruction. This is precisely the plan former U.S. President Jimmy Carter has put forward.

Why has the Government of Canada refused to support this proposal to strengthen the hand of the UN and to ensure Iraq's compliance so war will be averted? Perhaps, then, we could say a prayer of thanksgiving for no war.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I would be delighted to join with the Honourable Senator Roche in a prayer of thanksgiving for no war.

Dr. Blix will be reporting to the United Nations on Friday. We do not know what he will be reporting. We do not know, for example, if he thinks more inspectors on the ground would aid and abet or be harmful to the process.

Yesterday, Iraq made provision for U-2 spy planes to be able to fly over Iraq. In my view, that might be more effective than having additional inspectors on the ground because these planes will be able to locate things that human beings are sometimes unable to locate.

Quite honestly, we must wait for Dr. Blix to report to the United Nations on Friday before we engage in hypotheticals.

Senator Roche: Honourable senators, the plan put forward by France, Russia and Germany is not hypothetical. It was contained in the speech of the French foreign minister in the UN Security Council, among other things.

THE SENATE

DEBATE ON POSSIBLE WAR WITH IRAQ

Hon. Douglas Roche: Honourable senators, I should now like to turn to the subject of a debate on this matter here in the Senate.

The minister will recall that we discussed this matter before. For the moment, at any rate, we have a respectful disagreement. She says that my Motion No. 4 on the Order Paper is sufficient in this regard. I maintain that there should be a government-sponsored debate. I want to assure the minister that the following is not a trick question; it is an effort to secure information on the position of the Liberal Party of Canada.

Before the first Gulf War, the Liberal Party, then in opposition in the Senate, introduced a motion calling for a debate. On November 20, 1990, the Honourable Allan MacEachen, Leader of the Opposition, introduced a motion in the Senate which triggered a debate. The motion stated:

That the Senate do now adjourn for the purpose of raising a matter of urgent public importance, namely: the Persian Gulf crisis.

Senator MacEachen then made a speech. He was followed by the late Honourable Heath Macquarrie who spoke on behalf of the government. A number of other honourable senators took part in the debate.

I am puzzled as to why, in 1990, the Liberal Party, when it was in opposition, favoured a Senate debate on the then looming Gulf War and, today, is opposed to a Senate debate on a repeat Gulf War.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I think Senator Roche has answered his own question. We have a situation in which the honourable senator has a motion before the chamber. I have encouraged all honourable senators to participate in debate on that motion, but I cannot force any individual senator to speak on the issue if they choose not to do so.

Senator Roche: Honourable senators, the minister keeps returning to fact that I have a motion on the Order Paper. That is not the issue. The issue is the government's position. What is the position of the Government of Canada on the looming Iraq war? I believe that all senators have a right to hear that from the government.

Speaking of the government, if the government will not have a debate, will the minister herself undertake to speak to my motion?

Senator Carstairs: Honourable senators, the best spokespeople on this whole question on the government side are the Prime Minister and the Minister of Foreign Affairs. I am neither. They have both spoken eloquently on exactly what is the government's position. It is a government position that I fully support. Quite frankly, I do not believe that I could add anything to the debate beyond what has been said very clearly by the Prime Minister and by the Honourable Bill Graham.

Hon. Marcel Prud'homme: Honourable senators, what I see developing is exactly what took place in an earlier time. I have no notes because I lived these events.

On January 22, 1991, the national Liberal caucus, of which I was a member, decided early in the morning that we would not vote in favour of the motion put forward that day by the Right Honourable Brian Mulroney.

During the day, pressures of all kinds arose. I will not make a speech on that today. I have the names, the events and the room number. I was involved. I was very active in the national caucus. I was a member of the Quebec caucus, which reports to the national caucus.

• (1440)

For reasons I will not mention today, events took place throughout the day, and members fell away one after the other. When it came to the final vote, the Right Honourable Jean Chrétien stood in front of me, and I raised my hand and said, "Please, Jean, stop. Please."

When the vote took place, we switched. The Right Honourable John Turner came from Vancouver, if my memory serves me well, to disagree with Mr. Chrétien. Even though I was a friend, I had the guts to respond to the leader then. The government fell. The vote took place and we switched. At least the vote took place. There were 47 members who were opposed to the motion, 39 of whom were NDP. I was so glad that I was not the only Liberal. Four Liberals voted against the motion. One of those who voted against the motion is today the chief government whip in the House of Commons. The other two members who voted against the motion were Warren Almand and Christine Stewart.

Some Hon. Senators: Question!

Senator Prud'homme: The question is, I think we should have the right to vote. I do not care. I want to vote.

Senator Roche: The right!

Senator Prud'homme: Canadians are entitled to know where honourable senators stand. I do not want people to hide and wait until after the fact. This matter is too important. I urge the Leader of the Government in the Senate to pay attention to justice. The minister need not respond today. However, we will see divisiveness in this country if some countries at the Security Council vote with one side and other countries vote with the other side. I dare say nothing more. If there is a debate, I will say more.

Would the Leader of the Government in the Senate please urge the Prime Minister to understand that there are people who want to be counted? We cannot vote after the decision is taken. This is a national matter for our institution. We have the right to vote. We have the right to speak.

Would the minister at least consider the possibility of reassessing what was just said? She has more power. She is a cabinet minister. She represents us. She is our collective voice in this place.

Senator Carstairs: Honourable senators, I must disagree with the honourable senator for the simple reason that I do not wish to be put in a position at this moment where I am being invited to vote on an initiative that is still very much at the hypothetical stage.

We have committed ourselves to the United Nations. That is absolutely the right process to follow. The United Nations is meeting with Hans Blix on Friday. On that day, we will learn whether there is further evidence with respect to weapons of mass destruction that may exist in Iraq. Arms inspectors are still in the country. We will learn whether Iraq is failing or obeying resolution 1441 of the Security Council.

To vote prior to learning more about the actual circumstances would be entirely inappropriate.

Senator Prud'homme: Honourable senators, I did not suggest that we vote beforehand. I agree with every word the minister has said. However, regardless of which way the United Nations goes before that, we should have the right to vote. That is what I meant to say. For the rest, I agree totally with the minister.

Senator Carstairs: The position of the government has been quite clear: We will support the United Nations in this matter.

Hon. Gerry St. Germain: Honourable senators, my question is for the Leader of the Government in the Senate. The minister has said that this is a hypothetical situation. We are deploying troops to the Gulf region. Deploying troops and personnel to that region does not seem to be a hypothetical activity, insofar as the decisions are being made. In the eyes of Canadians, we are doing what people like myself consider to be the right thing: We are moving in and supporting the U.S. in the action that they are taking to this point.

Senator Carstairs: Honourable senators, the honourable senator is wrong. We are not deploying troops. We have moved 25 individuals who were working with American officials in Florida and who were doing long-range planning to Qatar. I do not believe that one can say that moving 25 individuals means deploying troops.

As the honourable senator is well aware, there has been a change of command with respect to Operation Apollo and the war against terrorism. We have always been clear about our position on terrorism and the issue of naval control through our vessels that are already in theatre and have been ever since we began Operation Apollo.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, my question is for the Leader of the Government in the Senate. As the only government representative in this House, and under a principle won in a hard-fought battle by our ancestors, you must defend this government. It may be very comforting to rely on the opinion of the Prime Minister or the Minister of Foreign Affairs, except that it is up to you to answer our questions.

The President of the United States and his Secretary of Defense have said they would act alone or with their allies regardless of whether they receive support from NATO and the United Nations. Are we part of these allies the Americans are referring to, yes or no?

[English]

Senator Carstairs: Honourable senators, it is up to me to answer questions that are posed; that is why I rise here every day. The particular question of the honourable senator was whether I would give a speech. If I were to give a speech, I would give exactly the same speech that the Honourable Bill Graham gave in the other place. However, that is prohibited by our rules. I am not allowed to give exactly the same speech that is given in the other place. I indicate to honourable senators that the words would be identical because the words should be identical. It is critical at this time, in this very difficult situation, that all Canadians know where its government stands at the present time. None of us wish to go to war.

Canadians want the government to act judiciously. The greatest judiciousness that I could practice is by allowing the Minister of Foreign Affairs and the Prime Minister to give their speeches on this topic.

Honourable senators, in regard to the subject of the American question, we are allies of the United Nations. We have committed ourselves to the process of the United Nations.

[Translation]

Senator Nolin: Honourable senators, why not say so publicly?

DELAYED ANSWER TO ORAL QUESTION

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table, in this house, a delayed answer to a question raised in the Senate on October 23, 2002, by Senator Oliver, regarding the United States and the Smart Border Plan Agreement to Restrict Asylum Shoppers.

FOREIGN AFFAIRS

UNITED STATES—SMART BORDER PLAN TO RESTRICT ASYLUM SHOPPERS

(Response to question raised by Hon. Donald H. Oliver on October 23, 2002)

Co-operation on Resettlement (further to the Safe Third Agreement)

Article 9 of the Safe Third Agreement provides that both countries "shall endeavour to assist the other in the resettlement of persons determined to require protection in appropriate circumstances." The terms of this provision are reciprocal meaning that either Canada or the United States could propose that the other country assist them with the resettlement of refugees. Under the Agreement, the details of any referral would be the subject of further discussion between the parties. As circumstances change, it may be in the Parties' interest to accept more or fewer referrals or indeed none. It should be noted that it is not unprecedented for countries to assist one another in the resettlement of refugees.

Further to Article 9, Canada has established the parameters that will govern the referral of persons by the U.S.: they must be outside the United States and Canada, as defined in respective national immigration laws; and be determined by the Governments of the U.S. and Canada to be in need of international protection. It should be noted that any referrals pursuant to this supplementary agreement would be included within the target figure for government-assisted refugees made public each year.

SENATE

FORMAT FOR DELAYED ANSWERS

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have a few comments regarding the delayed answer that the Deputy Leader of the Government just gave us. First, I appreciate the good work that he did in preparing the delayed answer.

• (1450)

The way this has been done for some time now is such that we only receive the answers to the oral questions. It is difficult to remember the question raised by an honourable senator. Could the officials who prepare these answers include the corresponding question?

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as Senator Kinsella knows, answers are prepared by officials in the departments, and those answers come to us in a certain format. However, the senator makes a good point. I will inquire whether we can add the question to the documentation that we distribute.

Leave having been given to revert to Senators' Statements:

SENATORS' STATEMENTS

THE HONOURABLE HERBERT O. SPARROW

CONGRATULATIONS ON THIRTY-FIFTH ANNIVERSARY OF APPOINTMENT TO SENATE

Hon. Terry Stratton: Honourable senators, Senator Gustafson brought to my attention that we were remiss, two days ago, in that on the February 9, 1968, the Honourable Herb Sparrow was appointed to this chamber by Lester Pearson. I believe that February 9 was his thirty-fifth anniversary, and I extend my congratulations to him.

Hon. Leonard J. Gustafson: Honourable senators, I wish to speak briefly about our colleague from Saskatchewan. If there was ever a person who took the life of farmers to heart, it is Senator Sparrow. He chaired the committee that issued a report entitled: "Soil at Risk." That report did more to encourage farmers to practise continuous cropping, rather than leaving land in summerfallow and allowing the soil to blow away, than any other thing that influenced farming practices on the Prairies.

Senator Sparrow also has a very good wit. One never knows what to expect, but one always has a delightful time with him.

I am pleased to congratulate the senior member of the Senate on his thirty-fifth anniversary in this chamber.

Hon. David Tkachuk: Honourable senators, I would like to say a few words about Senator Sparrow. More Liberals should be like Senator Sparrow, because he agrees with many of the things we on this side of the house say. When Liberals say "independence of thought," they really mean that what they say is right and that what we say is partisan.

Senator Sparrow stands as a lie to that statement. He actually is an independent thinker. He is a joy to work with and a fun companion on trips back to Saskatchewan. He enlightens us with all kinds of stories about the Liberal Party from years ago — although nothing from the present. We exchange political stories and we have become good friends.

I look up to Senator Sparrow — even though I do, physically, look down to him — and I congratulate him on the work he has done on behalf of our province.

We are very proud to be associated with you.

Hon. Marcel Prud'homme: Honourable senators, I always bow to the dean of Parliament. However, I would point out that none of you noticed that, today, I commence my fortieth year in Parliament, that is, 40 uninterrupted years, for those who catch the nuance. It was thirty-nine years ago last night that I was first elected.

However, the dean of the Senate is Senator Sparrow and I wish to associate myself with everything that has been said about him. I respect him. He was appointed by Mr. Pearson; I was elected under Mr. Pearson; and there are not many people around here who can say that.

Congratulations, Senator Sparrow.

Hon. Anne C. Cools: Honourable senators, I, too, would like to join colleagues in congratulating Senator Sparrow on this milestone. It is a real pleasure to be able to speak like this of senators when they are still here with us and are going to be with us for quite some time.

Senator Sparrow's work has been truly exceptional. We all know that he was appointed by Prime Minister Pearson. The work that he has done for agriculture and for farmers has been stupendous. I had the great privilege to work with him on the agriculture committee some years ago when the committee was studying the issue of soil erosion. That study truly introduced me to Western Canada.

My heart and my affection are with Senator Sparrow, as are the good wishes of this chamber. Senator Sparrow truly is a man of the soil.

Hon. B. Alasdair Graham: Honourable senators, you are all wrong. Tomorrow is Senator Sparrow's anniversary. I know that because I remember that when I first arrived here, almost 31 years ago, Senator Sparrow was already a veteran. I remember the day I was sworn in. I had hardly warmed my seat when Herb came toward me with a wide grin and arms outstretched. However, before congratulating me he had to find out how old I was. Those were the days when they were appointing teenagers.

"How old are you," he said. "Nineteen," I said. He said, "That is great. I am still the youngest. I am only 16."

That is the way he has been behaving ever since.

Senator Sparrow has been my friend over the years, even through that memorable and perhaps best-forgotten period of the GST debate. When Senator Sparrow spoke, we did not know whether he was a Prairie preacher or whether the Reverend Jimmy Swaggart had entered the chamber.

Senator Sparrow has won many awards. In 2001, if I remember correctly, he was elected to the Saskatchewan Agricultural Hall of Fame. Reference was made to the wonderful report of the Agriculture Committee that he chaired, "Soil at Risk." As a result

of that report, Senator Sparrow was awarded an honorary doctor of science degree from McGill University. He is not only a Canadian authority on soil conservation, his knowledge of this particular field is known and respected around the world.

• (1500)

Senator Sparrow, in congratulating you and outlining some of your achievements, I want to observe that you are not getting old. You just get better.

Hon. Gerry St. Germain: Honourable senators, I would also like to pay tribute to Dr. Sparrow. I did not realize you received a doctorate, Herb. I have so much respect for you, sir. Two things epitomize you: a sense of humour and common sense. That is what you are all about, Herb. You are a nice guy. You are one of my favourites in this place. You are just a real good man. Congratulations! I hope you are here forever.

Hon. David P. Smith: Honourable senators, it just occurred to me that I am one of the few people here who actually knew Senator Sparrow before he was appointed to the Senate. In the early 1960s, I worked at Liberal headquarters under Mr. Pearson and, with Keith Davey, I travelled back and forth across the country. I got to know Senator Prud'homme very well.

I can recall a few hilarious meetings in the Bessborough Hotel in 1964 when Senator Sparrow was Ross Thatcher's right-hand guy and president of the party. I would also point out that he lives on Walker Drive, which is named after my wife's grandfather.

I consider it an honour to sit beside the dean.

Hon. Edward M. Lawson: Honourable senators, I wish to make two quick points on the relationship with my long-time friend, Herb Sparrow. I am second to him. I am in my thirty-third year.

A number of years ago, during the debate on the Charlottetown Accord, when everyone across the country seemed to be unanimously in favour of the accord, including those in the other place and in this chamber, Senator Sparrow asked me, "How are you going to vote on the Charlottetown Accord?" I said, "Against it." He then told me that was also his intention, and he asked me, "Will you stand with me?" Honourable senators, there were two "no" votes on the Charlottetown Accord.

We were once flying together — after he got his doctorate, Senator St. Germain — and there was an announcement that one of the stewardesses suffered a chest injury and there was a request that, if a doctor was on board, he make himself known to the crew. Senator Sparrow said, "I am a doctor." He went up and came back a couple of minutes later, and I asked him, "What happened?" He said, "Damn it, a doctor of divinity beat me to her."

You are a great senator; you have a wonderful sense of humour; and it has been a pleasure to work with you all these years.

Hon. John G. Bryden: Honourable senators, in the short time that I have been here, I have been able to figure out almost everything that goes on in here, sometimes when it happens, and sometimes a long time after.

However, one thing that happened relatively recently in relation to Senator Sparrow, that I could not figure out for the life of me. It was his motive in taking the amount of time and the effort that he put into trying to prevent Senator Lapointe's motion to limit tributes. Now I understand. I did not know he was about to celebrate a thirty-fifth anniversary. It was well thought out.

Hon. Senators: Hear, hear!

Hon. Herbert O. Sparrow: Honourable senators, thank you very much. I do appreciate your kind remarks. Yes, I have been here for 35 years, and I can say that, in all that time, I don't regret one day that I was here. That day was September 25, 1970. That is the day I do not regret being here.

I very much appreciate the goodwill shown by the opposition in this house. I appreciate their kind thoughts. I should make one thing clear, though. I was asked why I was a Liberal, and I said, "Well, my grandfather was a Liberal, my father was a Liberal and I am a Liberal." The chap said, "Well, if your grandfather was dumb and your father was dumb, what would you be?"

Senator Lynch-Staunton: Careful.

Senator Sparrow: I replied, "Well, I would probably be a Tory!"

Senator St. Germain: Herb, thank you.

An Hon. Senator: I take back everything I said.

Senator Sparrow: In thinking about the motion put forward by Senator Lapointe and the time allotted for speeches in this chamber, I want to take advantage of this opportunity to speak before a time limit is imposed on me. Indeed, the honourable senator was correct in making that statement.

I will use this opportunity to give you a bit of my background, something I have not had the opportunity to do in the 35 years I have been here.

The headline of the news report at the time of my birth read: "Mrs. Sparrow gives birth to a child." It went on to indicate that I was born in a manger and that my sex life began at an early age because the report read: "Mrs. Sparrow is in stable condition and Baby Sparrow is holding his own."

I recognize that a person should talk about his or her background, but I realize that I came from a poor family. As a child —

Senator Corbin: How poor were you?

Senator Sparrow: I remember walking down the street with my mother holding my hand and people saying, "There goes that poor Mrs. Sparrow." I knew that we must come from a poor family.

When I was in Grade 5, I remember coming home from school and saying to my mother, "Mother, was I adopted?" She said, "Well, now that you are 18, I might as well tell you the truth. You were adopted, but they brought you back."

My career in business also started at an early age. I was trying to help support the family. We had a lot of crows in our part of the country. I would take five eggs out of the crow's nest and I would put three hen's eggs in the nest. The crow would hatch the

eggs. After 21 days, I would go and pick up the three chickens. I would get about 100 chickens a year that way. In doing so, do not let your own chickens hatch the eggs because, as soon as they started to hatch, they would quit laying eggs. The news report in the papers at that time — and it was the first time I ever got a headline — read, “Sparrow beats crow.”

There are one or two other things I want to tell you about my careers, and I have had a number of them. When I was in high school, I went to the navy barracks for a boxing match. Someone told me that every Friday there was a boxing match at the navy barracks, and if you entered a fight, you got \$15, win or lose. I needed the money, so I went down on Wednesday to enrol and tried my gloves on and so on. I had never had them on before.

• (1510)

On Friday, when I went to the boxing match, they put on my gloves. I was put into the ring with a tough kid. In the first 30 seconds, I had him scared stiff. He thought he had killed me.

Your Honour, I am sure I have a time limit, but do I not know what it is.

I was a CN station agent. The rural communities had small stations. I lived in accommodation above the station. I got married there and we had a few people in for the wedding. When the crowd was there, the top floor broke through and down we went into the station. My mother said, “Herbie, I told you that you should not marry above your station.”

Another thing I remember is coming home and asking, “Father, will you take me to the zoo?” He said, “Son, if the zoo wants you, they will come and get you.” I wish my father was alive today so that he could know I got to the zoo here all by myself.

I think I have made a contribution to the government, to Parliament and to the country. I never realized that until several days ago, when I met the Prime Minister in the hallway and he asked my opinion. He said, “How are you, Herb?” That made me feel real important.

I have one other story. Prime Minister Pearson wrote in his memoirs, “I was often asked why I appointed Senator Sparrow to the Senate. I want to make that clear now. I wanted someone to represent the mentally challenged.” That is how I got here.

Honourable senators, that is my story and I am sticking to it.

Hon. Senators: Hear, hear!

[Translation]

Hon. Jean Lapointe: Honourable senators, I have a great deal of admiration for Senator Sparrow and I told him so after his speech, when he gave his opinion on the matter of time allocated to tributes. However, there is a world of difference between paying tribute to someone who has passed away and someone as lively as Senator Sparrow.

It is my pleasure to applaud someone as special as Senator Sparrow. I am pleased with the comments made by the honourable senators about him. I would also like to congratulate him for his work. That said, I am not certain that Motion No. 76 on the Order Paper will be agreed to today.

[English]

ORDERS OF THE DAY

NUCLEAR SAFETY AND CONTROL ACT

BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

Hon. Yves Morin moved the third reading of Bill C-4, to amend the Nuclear Safety and Control Act.

He said: Honourable senators, I urge all of you to support this excellent bill.

Hon. David Tkachuk: Honourable senators, I spoke at second reading of Bill C-4 in December about my concerns for the agenda of this legislation and the government's overall lack of public policy regarding the management of nuclear waste. At that time, I posed a number of questions, some of which we had an opportunity to discuss with the minister when he appeared before the committee.

I should like the record to state that I do support this bill specifically, since it merely eliminates the liability of lending institutions. From what we were able to find out through our research and the hearings conducted on this bill, the reason this liability coverage was not part of the original legislation in 1997 was because there were privately owned Canadian Nuclear Safety Commission licencees operating in Canada, including companies that mine uranium and work with medical isotopes and nuclear fuel. However, it seems that they were focused on the specific aspects of the legislation that pertained to their own business. It was not until Bruce Power entered the market and began to seek financing that section 46(3) became an issue. When they began to put together their financing strategy, Canada's financial institutions refused to take on this potential liability and cited section 46(3) in their defence.

I also appreciate the minister's explanation of Canada's current policy framework with respect to nuclear fuel waste, as he reminded the committee during his appearance on February 4 that the Nuclear Fuel Waste Act came into force in November of 2002.

Before I conclude, I should like to raise the way this legislation has been handled at a number of levels. I mention this because, frankly, I was mystified as to the urgency that had been communicated to the Senate regarding the passage of this bill for, it is true, I have been told by a number of stakeholders that this bill must be passed before February 14, even though the government first introduced it in May of 2002.

Honourable senators, it has taken this government and its experienced legislators almost nine months to pass a one-sentence bill. I was, therefore, concerned that there was more to the intent and impact of the legislation than I knew.

Ultimately, I believe that the additional time the Senate has had to consider this bill has allowed this place to conduct a thorough study on the specific matter of financing, in addition to a more general discussion on the future of nuclear energy in Canada. I am satisfied that we have dealt with this legislation fairly and efficiently, considering it was only referred to the Senate on December 10, 2002.

I believe the minister's appearance before the committee was of the utmost importance, since Canadians take the subject of nuclear energy and its waste very seriously. It is our job to assure ourselves that the legislation we are passing is just, necessary and will be of benefit to Canadians for many years to come.

Nuclear waste facilities must be able to gather financing to upgrade and refit their aging nuclear facilities. Facilities for high-level radioactive waste were only designed to accommodate used fuel for 15 to 20 years. Although the fuel could safely remain in these facilities longer, some of the older facilities in Canada have reached the point where they need to be refurbished. This will be an expensive proposition.

I ask honourable senators to support this legislation. In 10 years, this is the second time that I have actually asked this. I believe that the Senate should vote to support Bill C-4 and recommend that it receive Royal Assent immediately.

On motion of Senator Lynch-Staunton, debate adjourned.

STATISTICS ACT

BILL TO AMEND—SECOND READING

Hon. Lorna Milne moved the second reading of Bill S-13, to amend the Statistics Act.

She said: Honourable senators, I am extremely proud to begin this afternoon by uttering the one sentence that I have been waiting for five years to say.

I rise, honourable senators, to speak at second reading as the sponsor of a government bill that will allow for the release of historic census records.

• (1520)

Hon. Senators: Hear, hear!

Senator Milne: As all but our newest contingent of senators are well aware, for the last five years I have been fighting an uphill battle with Statistics Canada to allow for the release of the nominal census returns for Canada's historic censuses. It is a battle I certainly did not seek out. On February 19 of last year, I told this place that this issue,

...deserves the leadership and the attention of the government. There is nothing I would like more than to have the government announce that it will take the necessary steps to balance the interests of all concerned. I still hope that this issue will be taken out of my hands.

Over the course of my speech that day, I was particularly harsh with Dr. Ivan Fellegi, maybe overly harsh, as Senator Murray pointed out at the time. Today, however, the Chief Statistician,

the Minister of Industry and I all agree that this bill strikes an effective balance between all kinds of competing interests. It does so by providing a framework that allows wide-ranging research by historians, genealogists and others. It also specifically protects people's privacy in a number of ways. In addition, the bill clears the way for all Canadians to make an active and informed decision on whether or not to include themselves in Canadian history in the future. I am confident that we will all be there.

I will start, then, by outlining for our new colleagues, and I hope the rest of you will forgive me for this, what all of the fuss has been about over the last five years. I will move on to give honourable senators a quick update on what steps the government has already taken to release historic census information. I will provide you with probably more information than you really want to know about the bill, and then I will make my pitch for support of this bill by each and every one of us.

For hundreds of years Canadians have been using nominal census records, some dating as far back as 1666, to trace and research Canadian history. Up to 1993, the Canadian government had always made the 92-year-old census records available to the public through the National Archives. The pre-Confederation censuses of 1851 and 1861, and the national censuses 1871, 1881, 1891 and 1901 have been an invaluable resource for Canadian historians, genealogists and medical researchers, all of whom have found them to be the only primary source of information on Canadians in their family groups.

In 1998, as we approached the ninety-second anniversary of the 1906 special census that was taken for the West after it joined Confederation, when the Western provinces were formed out of the Northwest Territories, Statistics Canada was preparing to release the census when it hit a snag. The regulations had exactly the same confidentiality and disclosure regulations as all previous regulations had had, word for word. However, in 1905, the previous year, the government had passed a bill specifically giving those regulations the force of law. The regulations did make certain references to confidentiality, and they prevented the census takers of the time from disclosing any information that they collected in the course of their duties.

As a result of legal advice, Statistics Canada erred on the side of caution and announced it would not release the 1906 census as planned.

This upset historians and genealogists everywhere. They did agree that census takers were not allowed to go up and down the road gossiping about their neighbours. In fact, no genealogist or historian doubts that contemporary confidentiality was then and is now essential. They were adamant, however, that a different section in the same regulations was equally, if not more important. That section specifically stated that the nominal census returns would be stored in the Archives of the Dominion.

My response was fairly straightforward. I thought that this was a simple oversight the government could correct, and when the government did not correct it, I felt it was perfect for a private senator's bill. Little did I know that I would have to introduce that same bill twice and wait five years before getting to this day.

I worked closely with the genealogical and historical communities who collected petitions and pounded out e-mails to senators and to members of the other place to encourage government action. The progress was slow but steady. Over the course of the battle, I presented petitions with over 26,000 signatures to the Senate, all calling for action on this very important piece of Canadian history. While I was working in the grassroots, the government was doing its own homework on the issue.

In order to find a way out of the legal log-jam, the then Minister of Industry, John Manley, appointed an expert panel to study the issue and to report back to him. The conclusions of the expert panel were fairly straightforward. The panel, led by former Senator Lorna Marsden and former Supreme Court Justice Gerard LaForest, found that there was no legal impediment to the release of census records created prior to 1918. In 1918, however, the Census Act itself was amended to include the same confidentiality provisions as had been included in the earlier regulations governing the 1906 through 1916 censuses.

Although there was no mention of the National Archives in the 1918 act itself, the regulations governing the 1921 and all subsequent censuses, which had and still have the force of law, all made specific reference to the fact that the nominal census returns would be turned over to the Archives of the Dominion.

The expert panel concluded that the placing of this reference in the regulations, rather than in the bill, was not a specific policy choice but an oversight. The panel recommended that "for greater certainty" the Statistics Act be amended to allow for the release of post-1918 census returns.

Although the report of the expert panel cleared things up in the minds of many people, it was still not sufficient to deal with the qualms harboured by Statistics Canada. Legal niceties notwithstanding, the Chief Statistician was genuinely concerned that Statistics Canada would take a hit to its reputation if it were seen to go back on its word. In my opinion, the reputation of Statistics Canada is worth fighting for. Stats Can is a world leader in statistics methodology and integrity. It is seen as a model around the world, and it relies on that reputation in the international community, and indeed within Canada, when it asks for highly sensitive and private information from business, industry, government and individuals. It became necessary to ensure that the decisions regarding the release of historic census records would not affect the broader present day or future operations of Statistics Canada.

In November 2001, Statistics Canada announced further public consultations by way of focus groups and town hall meetings. The goal was to measure the reaction that Canadians would have to the release of these census records. After a lot of study and hundreds of submissions, Statistics Canada was able to conclude sometime this past summer that post-1901 censuses could be released. All that had to be worked out were the details. It took another seven months to hammer out those details. I freely admit to all honourable senators that at times I was part and parcel of that delay. There were certain things that I felt had to be done. Fortunately, the Minister of Industry agreed with me that we would not proceed until some conditions had been met.

I am thrilled to tell you that the details have been worked out. Much has been accomplished and Bill S-13 is the result. At this time, I want to take a moment to recognize the valuable input of one particular senator at just the right time. On March 7, 2002, Senator Murray spoke on my bill and implored everyone to reach a consensus. He appealed to the Senate to continue to work to find a compromise that would accommodate all of the different perspectives. I took many of his comments to heart, and I hope he will be able to support this solution. It is precisely the type of compromise he suggested almost a year ago.

• (1530)

Let me turn now to what the government has already done to open historic census records to researchers. On Friday, January 24, the government released the entire 1906 census on-line and without restriction. Although Stats Canada felt there may be some ambiguity in the law governing the 1906 census, the government agreed there was no longer any need to withhold it. Ninety-seven years were long enough to deal with any privacy concerns. Since the 1906 census was only an agricultural census of three provinces, it contained information that was not highly intrusive. Also, it was the first census taken of Alberta and Saskatchewan. Therefore, the government agreed that, as part of the compromise solution, the 1906 census would be released immediately.

What has been the response of the public, honourable senators might ask? I will let the numbers tell the story. The government put the 1906 census online on January 24. In the first 12 days the census was on-line, the site received 4,870,569 hits. You may want to know how widespread that access was. We can learn that from the number of Internet service providers that accessed the site. For those who do not know what exactly a service provider is, Sympatico is one service provider with millions of subscribers. The Senate is a service provider, as is AOL, America On Line, and Roger's Cable. If every single one of the people who use only those four Internet service providers accessed the historic census, the National Archives would have recorded only four visits. On average, in the first 10 days that the 1906 census was on-line, the archives averaged 3,972 visits per day by servers. Not only is there a lot of research being done, but clearly that huge number indicates that the servers must come from all corners of the world.

Honourable senators may not be aware that the 1901 census has been on-line since June of last year. In the first seven months that the 1901 census has been on-line, June to December, the National Archives received a staggering 51,704,325 hits. There is absolutely no doubt that Canadians consider this census information vitally important, as it is to people around the world.

Between the 1901 and 1906 census, there are now over one half-million hits per day on the archives site. That is truly remarkable.

Honourable senators may ask what is the downside? Are there problems? After more than 56 million hits to the National Archives Web site, the exact number of complaints about the service lodged with the National Archives is zero. This speaks volumes about the value of this service and the importance that Canadians place on their history.

I will turn to the bill itself because it is the second and the most significant part of this compromise solution. The government has introduced this bill to govern the release of all censuses that have taken place after 1906, up to and including 2001, and all the censuses to be taken in the future, as well.

I believe, honourable senators, that you will find this framework both balanced and fair and, as it is quite a short bill, I want to take the time to walk you through it step-by-step, clause-by-clause. There are only three clauses.

The bulk of the bill adds to section 17 of the Statistics Act, which governs secrecy at Statistics Canada. The entire scheme that will govern the release of historic census records is set out at clause 1 of the bill, which adds new sections 17(4) through 17(10) to the Statistics Act. Clause 2 of the bill then adds section 17.1, which gives the Governor in Council certain regulatory powers. Clause 3, contains a penalty provision that applies solely to the disclosure of census information.

Proposed sections 17(4) to 17(10) govern the release of nominal records from censuses taken from 1911 to the present. Proposed section 17(4) gives genealogists and historians express but conditional permission to examine complete census records 92 years after the date of the census. The condition is that genealogists must sign an undertaking that will limit the information that they can publicly disclose. Historians must sign a similar undertaking as well, and must have their research proposal approved by an acceptable authority.

Under proposed section 17(5), those people who have the right to approve access to the census, must assess the scientific and public value of the research before allowing it to go forward.

New section 17(6) goes on specifically to note that everyone who signs an undertaking under 17(4) must comply with the undertaking. Proposed section 17(7) states that everyone may freely examine and disclose census records 112 years after the date of the census. At that time, it is completely without restrictions.

There are a few key details to note regarding sections 17(4) through 17(7). These sections do not limit which parts of the nominal census returns a person can look at or even copy. It is the government's intention that the undertaking that genealogists and historians sign will limit the information that they can disclose to others, to what they call tombstone information. That includes name, address, age, date of birth where available, sex, marital status, origin, and occupation. This limitation on publication will last for 20 years. When those 20 years are up, 112 years after the date of the census, there will no longer be any limitations whatsoever on what can be published or who can access census material.

Proposed section 17(8) governs the release of census material from future censuses. The next census is scheduled for 2006. Section 17(8) limits the census data that can be examined to the returns of those people who consent to having their information released to the National Archives. In other words, on all future census forms, Canadians will be asked to give their prior informed consent to having their census returns stored in the National Archives. If a person withholds consent, their information shall

forever remain private. These returns of future census results from now on will all be available, completely open, 92 years after the date of the census, as the ones 1901 and prior were available. No two-step procedure will be required for these census returns because each person will already have given their informed consent on the issue.

Proposed section 17(9) specifically allows those who examine the nominal census returns to publish the information that they find there. This will be limited by the undertaking that genealogists and historians have to sign for the period 92 to 112 years after each historic census.

Proposed section 17(10) is very important. It orders Statistics Canada to transfer the individual census returns to the National Archivist 92 years after each census date. The National Archivist will be responsible for regulating access to the records. I repeat. This fact is most important. Ninety-two years after a census is taken, the records will be transferred to the National Archives and the archivist will have care and keeping of those records.

• (1540)

Once the scheme for releasing historic census records is laid out in proposed section 17.1, the bill goes on to set out the regulatory powers of the Governor in Council in relation to the scheme in section 17. This is clause 2 of the bill, and it creates section 17.1, which allows the Governor in Council to make regulations, (a) prescribing the form and the content of the undertaking that must be signed by genealogists and historians; and (b) prescribing the categories of people who can approve a historian's research.

These regulations must be made on the recommendation of both the Minister of Industry, who is responsible for Statistics Canada, and the Minister of Canadian Heritage, who is responsible for the National Archives. These regulations, when they are drawn up, will have to be vetted by both ministers.

Finally, clause 3 of the bill adds a section to the penalty provision of the Statistics Act, which states that any person who breaches an undertaking under section 17(6) will be guilty of an offence and liable for a fine of up to \$1,000. This penalty is less substantial than those in the rest of the Statistics Act. I want to reassure genealogists that there is no possibility of jail time or a criminal record for an offence relating to the disclosure of census records. I am not sure of this fact. I will have to check, but it seems to me that no one has ever been convicted under the Statistics Act. That bodes well for historians and genealogists in the future.

Honourable senators, that gives you a solid foundation in the nuts and bolts of the bill. I want to spend some time now helping you all to understand the various policy trade-offs that have been made in this bill, and I want you to understand what steps are being undertaken to protect privacy. As well, I want you to understand why it is so important that this bill be passed.

When this whole debate started five years ago, genealogists and historians were told bluntly that there would be no future access to historic census records. The door was to be slammed shut. We were told that this had to happen in order to protect privacy.

In releasing the 1906 census and in introducing this bill, the government has made the ultimate concession. They have agreed that census records should generally be available with an absolute minimum of restrictions. Genealogists win. In fact, under this scheme, 100 per cent of past census records will be available for unrestricted research at some point in time — in 112 years. That concession alone is more than enough to warrant my support of this bill. The government has seen the historic value of census records and has decided to open the vault. Access to history will not be compromised.

I turn, then, to the limits that are being placed on access under this bill. I freely admit that I have struggled long and hard over what is set out here, and I have come to the conclusion that the temporary limits are justified. One simply cannot ignore the fact that, in 1918, the federal government wrote privacy provisions into the Statistics Act; nor can we ignore the fact that all of the regulations governing the 1911 and 1916 census had the force of law. Those regulations mentioned both release to the Archives of the Dominion and the need for privacy. Privacy rights are real rights and it would be totally improper for the federal government to disregard them.

One of the fundamental truisms of privacy law is that all information loses its sensitivity as time passes. Privacy theorists argue that one of the ways privacy issues can be resolved is just to let additional time pass in order for documents to lose more sensitivity. The censuses from 1851 through 1901 were all governed under a set of laws different from those taken after 1901. It stands to reason that because of the perceived lack of clarity in the legislation, the 1911 and subsequent censuses could be deemed more sensitive on their ninety-second birthday than earlier censuses. To cure this sensitivity, the censuses will be released, but some information within them will still be “unpublishable” after 92 years, and all information will be released completely free of restrictions after 112 years.

I want to take this opportunity to assure any genealogists and historians who may be listening, or reading Hansard later, that the proposed undertaking is nothing to be concerned about. The government does not want to make it difficult to conduct historical and genealogical research. I am told that the forms to be signed will be short, simple and easy to understand. More important, I have been given the personal assurance from the National Archivist that any requirements that the waiver contains will not prevent the historic census records from being accessible through the National Archives Web site or through local libraries that will have both the microfilm and the ability to collect signed undertakings. At the same time, it is Statistics Canada's position that the use of the waiver will sufficiently protect any privacy interests that arise from the release of the records.

The principles governing the release of future censuses are, I believe, equally sound. Starting with the next census in 2006, Canadians will have the opportunity to decide for themselves whether their census returns will be turned over to the National Archives. If they decide that they do not want their information ever to be made public, it will not be disclosed.

I know that many genealogists and historians will not be happy with this measure, but I must stress that census information, particularly the information now asked for on the long form, is

intensely personal. As such, each individual should have a great deal of control over how it is used. The principle of prior informed consent is the best way to handle this situation. Some have expressed the concern that if people are given the opportunity to opt out of the disclosure to the National Archives, serious damage will be done to the integrity of the record and to the statistical validity of the historic record.

I hope these worries will prove unfounded. To give an idea of why I think they may be unfounded, let me share a key piece of information. When Statistics Canada conducted the Canadian Communities Health Survey, it asked Canadians if they would be willing to release their health information to local authorities to increase the quality of health care in their community. We all know that personal health issues are extremely sensitive, but over 95 per cent answered that they would be willing to do so. That is a truly astonishing response rate, and I think it bodes well for the release of historic census records.

Honourable senators, this is a solid, non-partisan bill and it is a good compromise. It achieves the goal of historians and genealogists of gaining access to historic census records and of properly preserving them. It provides adequate safeguards for privacy that are entirely appropriate. It is a bill that strikes the balance that I have been seeking for a long time — the balance that Senator Murray asked for. I am proud that the government and, in particular, Minister Allan Rock already took the bold step of releasing the 1906 census. I am also proud that they cared enough to preserve and protect Canadian history and the privacy of Canadians for generations to come. I urge all honourable senators to support this bill.

• (1550)

Hon. Lowell Murray: Honourable senators, so as not to keep my honourable friend in suspense, I will announce right away that I intend to support this government bill. I opposed the two private members' bills on this subject that Senator Milne sponsored in the previous sessions of Parliament because, as she knows, in my opinion they went considerably beyond what was necessary for the stated purpose and what was desirable in terms of public policy.

That said, I note that she has told us that the parties to this compromise, in addition to herself, were the Minister of Industry and the Chief Statistician. When we come to consider the details in committee, there are, of course, some matters that one would want some further information on.

Further, I note that she did not mention the Commissioner of Privacy as one of those who was party to this compromise. I would think the committee would want to hear from the Commissioner of Privacy on this bill. As first blush, it appears to me that the kind of compromise that he favoured when he appeared before the committee in respect of Senator Milne's private member's bills is indeed incorporated in this government bill, but he will have an opportunity to speak for himself, I hope, when the committee meets.

I congratulate the honourable senator on her achievement, and I am glad she regards it as an achievement. This is a government bill. She made it very clear when she brought in Bill S-15 in December of 1999 and when she brought in Bill S-12 in February of 2001, both private bills, that what she earnestly and ardently desired was a government bill. She made it clear that introducing the private bill was one way of exerting some pressure on the government to arrive at a new policy and bring in a bill of its own. She has succeeded in that effort, and I congratulate her without qualification on that.

This is a government bill. It meets the needs of the people on behalf of whom Senator Milne was speaking — in particular, people who want to trace their own family histories by consulting personal data collected in the course of census and scholars who want to do historical research. It meets the needs of those people, and it does so while, generally speaking, respecting the privacy of Canadians, living and dead.

I think it is fair to say that this bill — and the honourable senator acknowledged as much — resembles more closely the compromise that we were speaking about here. I do not take for myself or for members on this side authorship of the compromise. It had been suggested by the Commissioner of Privacy and was the subject of negotiations between him and the Chief Statistician and others for some considerable period of time. However, today's government bill resembles more the compromise that was being talked about than it does the wider-ranging bills that Senator Milne introduced. As I recall, her bill would have made this data public after 92 years, and there were no limitations or restrictions on what data might be released and to whom it might be released.

There was a provision that a person in respect of whom the personal data had been collected could object to its disclosure, and provided that that person satisfied the National Archivist that the objection was valid, and provided, again, that the objection was made in the 92nd year after its collection, then that person could succeed, perhaps, in preventing its disclosure. Therefore, a person had to be at least 92 years of age in order to make the objection in the first place. As our former colleague Senator DeWare said when she was speaking to Bill S-15, this was a form of negative option billing that Senator Milne was proposing for personal census data. Other than those who objected, all others, as Senator Milne said at the time, would be "deemed to have given irrevocable consent" to public access to their personal information.

Objection was taken to this, and properly so, not just by Statistics Canada and the Privacy Commissioner, but also by some of us on this side of the house, because we felt it went far beyond what was necessary in order to meet the needs of people wanting to trace their own family history or the needs of history scholars.

My honourable friend has pretty thoroughly outlined the provisions of this bill. The personal census data will be released 92 years after it has been collected to people who want to trace their own family histories and to people who want to do historical research.

We do not have the draft regulations in front of us, but that does not really matter because the government has sent out, with the bill, sufficient background material as to clearly indicate what the regulations will contain. In the case of people tracing their own family histories, they, or a person with whom they have contracted to do so, will be permitted to disclose only the tombstone information to which Senator Milne referred. Those wishing to do historical research will need to have their project approved as having a public or scientific value. Those history researchers will be subject to the same limitations as regards the disclosure of information as apply to people searching for information on their own family.

If you are interested, those who may approve such a history project — and this may be the subject of some questions in committee — will include, according to the background document that was sent out by the government, the Chief Statistician, who is presumed to be a history scholar, the National Archivist, ditto, members of Parliament and senators, a mayor, a chief of a First Nations community or a band council, the dean of a university, and senior clergy, whoever they may be. All of those people are presumed to have some qualifications in the field of historical scholarship, and I or someone else may want to ask when the matter goes to the committee how this can be so, or why the government has arrived at this list of people who could sign off on historical research.

Most important in this bill, in my view — and Senator Milne has referred to this — is that for all future censuses, respondents will have the opportunity to authorize or not the release, 92 years later, of their personal census data. This was a matter that Senator Comeau and I referred to in the debate on Bill S-12. As I pointed out at the time, Australia has just such a provision on its census form. The respondent is asked whether everybody living under the roof of that house authorizes the eventual release of the data referring to that person.

Honourable senators, there are some wrinkles in the government policy on this matter that remain to be explained. I hope that we will have an opportunity in committee to look into them. I am somewhat puzzled as to why the restrictions are lifted with regard to disclosure of personal data after 110 years. The restrictions come into force 92 years after collection of the data, but then 20 years later, no restrictions will apply.

• (1600)

I looked up the questions and answers sent out by the government to see the explanation for this. I will read one. Question 20: "Why 112 years?" Answer: "First, the 92-year release, subject to some conditions, coincides with the Privacy Act and its regulations which set out that information obtained from a census may be released 92 years later. In addition, there is a provision in the Privacy Act that permits the release of personal information 20 years after the death of an individual or 110 years after a person's birth. An increase in proportion of Canadians survive to 92 years but few do beyond 112 years. The 112-year restriction is, therefore, more stringent than the requirement of the Privacy Act and its regulations."

They have given us much information in that answer but they have not really answered the question of why it is 112 years. Perhaps someone will appear before the committee to provide that explanation.

I am also puzzled by the government's decision to overtake this bill by releasing, holus-bolus, the 1906 census. There is a question and answer about that which I will not read, but I think Senator Milne referred to it. In a nutshell, they released the 1906 census without any restriction, first, because the personal data therein is all tombstone information anyway — name, address, occupation, et cetera — and, second, because it was only taken in three provinces in Western Canada. That means that I will be able to look up Senator Chalifoux's ancestors, but she will not be able to look up mine.

It seems odd to me that they proceeded and released that data. Surely the 1906 census was covered. We know that it had not been released in 1998 because the legal opinions of the Department of Justice stated that it ought not to be released. This is covered by a euphemism in the material that the government sent out with this bill wherein they talked about lack of clarity and about ambiguity. Senator Milne today referred to what she would have thought was an excess of caution on Dr. Fellegi's part and qualms on the part of Statistics Canada concerning this matter.

There is an article in the current issue of *The Hill Times* that is much along the same lines. It is as if the failure to disclose this data before now was simply a whim on the part of the Chief Statistician of Canada, Dr. Ivan Fellegi. For the record, there were regulations in force under the 1905 and 1906 Census and Statistics Act. I read those regulations into the record when I spoke on March 27, 2001. I will not do so again. In addition, as Senator Milne pointed out, provisions were enacted in the law of 1918, the Statistics Act, and subsequent legislation in 1948, 1970, 1971 and 1972 all prohibiting the disclosure of personal census information.

Against that, Senator Milne and others have argued that there is a provision stating that the material should be sent to the archivist. Yes, there is; and, yes, there is an apparent conflict. However, we must bear in mind that this data has not been released before now and the government feels it is necessary to bring in the bill because the Department of Justice interpreted those regulations and that law in a certain way until fairly recently, when they have done a 360 degree flip-flop on the issue. I suppose that lawyers in the Department of Justice have a right to change their minds just like anyone else.

There was also the question of whether these regulations from the past and from the 1918 and subsequent legislative provisions were trumped by the 1983 Privacy Act, which provides for disclosure of government information after 92 years. Senator Milne and others argued that the Privacy Act trumped it. As a layman, I would have thought that if the Privacy Act were to trump existing legislation, it would say so. Notwithstanding the information in this or that other statute, this is the disclosure regime that would apply.

In fairness to Statistics Canada and Dr. Fellegi, I am glad that Senator Milne has acknowledged the eminence of Dr. Fellegi and the agency and the esteem in which they are held both

internationally and in Canada. However, they were acting in respect of an opinion that was provided to them by the law officers of the Crown. That opinion has changed. When the Department of Justice changes its opinion, everything changes.

For greater clarity, we now have Bill S-13, which is an honourable compromise. It meets the needs of the people for whom Senator Milne was speaking so effectively. We all know that for a number of years much public pressure has been brought to bear on the government to disclose this information. I believe that those people could not have made such an achievement without such a persistent and tenacious spokesperson and champion as Senator Milne. I congratulate her on that.

Honourable senators, I am eager to see this bill go to committee because there are matters that we, on this side, wish to explore further. As to the principle of the bill and to sending it to committee now, I think I can speak for those in Her Majesty's Loyal Opposition and say that we are prepared to see that happen now.

Senator Milne: Would the honourable Senator Murray accept one brief question?

Senator Murray: Yes.

Senator Milne: My question is to ensure that the record is absolutely straight. The Privacy Commissioner of Canada, Mr. George Radwanski, was consulted, and I believe that question No. 6 has been consulted on the issue of the release of historic census. We are grateful for his helpful advice in respect of the safeguarding of personal information.

Honourable senators are now aware that the Privacy Commissioner has been consulted, and I am certain that he will be asked to appear before the committee. Are my honourable colleagues also aware that I am beginning to call myself either Senator Lorna "Bulldog" Milne or Senator "Power-to-the-People" Milne?

Senator Murray: Again, the question and answer in respect of the Privacy Commissioner of Canada states that he was consulted; I certainly hope that he was. They did not state, as they would have stated in respect of Senator Milne, of the Minister of Industry and of the Chief Statistician, that he is in support of Bill S-13.

I would not want to indulge in a canine metaphor in respect of the honourable senator or any other honourable senator. I am happy to congratulate her on her tenacity and let it go at that.

Hon. Tommy Banks: Honourable senators, I ask permission of the house to revert to a question to Senator Milne. I rose earlier but sat as soon as Senator Murray stood.

• (1610)

The Hon. the Speaker: Honourable senators, is leave granted?

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I would agree to one question, but this must not turn into a question period.

[English]

Senator Banks: Honourable senators, my question is much more mundane and simple, but no less important, than those raised by Senator Murray. In my previous life, in a roundabout way, I had to do with and became concerned about, not the moral integrity of the records, such as the ones to which you referred, but the physical integrity of them.

That issue has also been raised here by Senator Corbin, specifically with regard to the National Library. The same questions sometimes arises with respect to the National Archives. Some of the contents of these records have, from time to time, been subjected to damage or materials have been irrevocably lost.

I do not know whether the honourable senator can answer my questions immediately, and, if not, I would draw these matters to the attention of committee members who will be studying this bill.

It was mentioned that after 92 years the data is transferred to the care of the National Archives. In what form and in what protective containment is it transferred? Are we satisfied that the place in which these materials will be stored is, in fact, safe from burst pipes and leaking roofs, which have already cost us the irrevocable loss of some very valuable Canadian Heritage materials?

Senator Milne: I would thank the honourable senator for his question. Although I cannot answer it right now, I can tell him that many of the early census returns no longer exist on paper. They have already been microfilmed, which makes them much easier to store since they take much less room.

The 1991 census was at one point being stored in paper form in the archives and under the control of Statistics Canada. It was in paper form, wrapped in plastic and stored in climate-controlled areas in the new archives in Gatineau. It took up an enormous amount of room.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Milne, seconded by the honourable Senator Finnerty that this bill be read a second time.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read a third time?

On motion of Senator Milne, bill referred to Standing Senate Committee on Social Affairs, Science and Technology.

STUDY ON STATE OF HEALTH CARE SYSTEM

FINAL REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kirby, seconded by the Honourable Senator Cook, for the adoption of the Third Report (final) of the Standing Senate Committee on Social Affairs, Science and Technology, entitled: *The Health of Canadians — The Federal Role, Volume Six: Recommendations for Reform*, tabled in the Senate on October 25, 2002.—(Honourable Senator Keon).

Hon. Wilbert J. Keon: Honourable senators, last week the first ministers signed a health accord. In it, the federal government agreed to invest about \$27 billion over five years or \$12 billion new dollars over the next three years in health care.

For their part, the provinces committed to using this money not only to shore up existing services, but also to begin the process of extending the range of health care services covered nationally by public insurance.

This accord thus represents progress in important areas. I had opportunity recently to speak with the Prime Minister, and I congratulated him for moving the agenda forward and not allowing the accord to fall into a stalemate.

Having said that, the dust has not yet fully settled. It would seem that neither the provinces nor the federal government got everything they wanted. Several premiers immediately made it clear that the outcome was, at best, a first step in the right direction and that they were already anticipating the next round of talks. More ominously, perhaps, the leaders of the territories felt that the agreement fell so far short of their needs that they refused to sign on.

The conclusion of this latest round of bargaining brings to a close an intensive period of discussion about the future of publicly funded health care that began last fall. It is worth reflecting for a moment on what has been achieved. My main focus will be on the impact on the negotiations of the two key reports that were issued during this period, namely, that of the Romanow royal commission, and that of the Senate committee.

Something that struck me about the ongoing drama of publicly funded health care in Canada is that there is a sharp disconnect in the policy process between the amount of time we spend studying the system on the one hand versus the amount of time involved in concretely deciding what to do on the other. For example, on the study side of the equation, our committee devoted over two and one-half years to examining the complex and interrelated issues that traverse the health care debate, while the Romanow commission took 18 months to complete its work.

Both studies yielded comprehensive recommendations for change. The time frame that governs the other side of the equation could not be more different. The key decisions with regard to health care policy ultimately have to do with how to allocate that scarce resource — money.

In recent years, the process surrounding this critical phase of decision making has come to resemble a high-stakes poker game. The crunch moments take place in the course of a single day, behind closed doors, and outcomes often seem to be determined by short-term political considerations as much as by the health care needs of Canadians.

Of course, the work of the committee and of the Romanow commission clearly helped to define the menu of items from which the first ministers were able to choose, but policy-makers seem to be incapable of agreeing to long-term plans. Thus, despite the fact that recent studies have laid out a comprehensive set of options, we seem to be condemned to repeat these acrimonious negotiations every year or two.

Some might say that the conclusions of this most recent exercise in choreographed brinkmanship has consigned both the report of the committee and that of Mr. Romanow to the realm of past history. I suggest that nothing could be further from the truth.

In the first place, the report upon which agreement has been recently achieved remains very general with regard to the specific programs that will receive new federal funding. Moreover, there are a number of critical areas, such as dealing with the serious, across-the-board shortages of health care professionals, that were not addressed at all in the accord. This means that the content of the recent reports remain very relevant to the policy debate. It is not that one should expect a wide-ranging report to be implemented integrally by government. I believe I speak for all members of the committee in saying that we stand by to the full pack of recommendations that we adopted in our report. These form a coherent whole and, in an ideal world, would form the basis for a comprehensive action plan, thereby guaranteeing the long-term sustainability of publicly funded health care in Canada.

• (1620)

We live in a world where that is not likely to happen. Therefore, a realistic perspective on health care reform requires that we be prepared to proceed in stages and implement reform in a pragmatic manner. However, if the end result is to be something more than a fragmented system, even these incremental steps must be guided by an overall vision of the end result to be achieved. Thus, the short-term measures should be linked to a long-term plan.

In this context, I should like to examine briefly how the Senate committee's approach to health care reform compares to that of the Romanow commission. It is impossible to do full justice to the scope of either report in a single speech, so I will concentrate on a few issues that illustrate the similarities and differences between the two reports. I will begin with the health care issue of greatest concern to Canadians: excessively long waiting times for diagnosis and treatment. I will then look at the need for federal investment in health care infrastructure and the need to expand the scope of services that are publicly insured in this country. I will conclude

briefly with some remarks on enhancing government accountability, before returning to the status of the debate in the aftermath of the first ministers' accord.

First, let me speak to the health care guarantee. There is little doubt that long waiting times for access to diagnostic services for treatment are the principal worry that Canadians have about their public health care system. To deal with this concern, the committee recommended that a maximum waiting time guarantee for all major procedures be put in place. When this maximum waiting time is reached, patients would be entitled to receive treatment in another jurisdiction, including another country such as the U.S.

The point at which this health care guarantee would apply for each procedure would be based on an assessment of when a patient's health is at risk of deteriorating as a result of further waiting. Safe waiting times would be established by scientific bodies using clinical, evidence-based criteria. Adopting the committee's care guarantee would send a signal that both governments and health care providers were committed to ensuring that Canadians receive timely care.

Mr. Romanow agreed that patients should be told how long they should expect to wait for each procedure, but did not recommend going the extra step the committee has recommended, that of making the commitment that these targets will be met and that someone other than the patient will bear the consequences if they are not. Mr. Romanow believes that it will be enough simply to inform people of how long they should expect to wait for the procedure or service they require.

In the short term, the first ministers' agreement to invest \$1.5 billion in diagnostic equipment constitutes a first step towards reducing waiting times. Building on this would mean making firm commitments to provide diagnostic service with specific waiting times and, eventually, extending this commitment to a broader range of services.

Health care infrastructure has been woefully underfunded in this country. We now rank near the bottom of OECD countries in terms of the availability of many important pieces of diagnostic equipment. We have allowed our capital stock to deteriorate and are facing shortages of health care personnel across the board. The committee has recommended that the federal government invest in the renewal of urgently needed physical plant and equipment in Canada's teaching hospitals. In addition to being the primary site for training of Canada's health care professionals, teaching hospitals offer the newest and most sophisticated services, as well as treating the most difficult, complex cases. They are truly a national resource and, as such, must be supported by the federal government.

The committee proposed that the federal government fund the development of a national health information system, which could be used in hospitals and doctor's offices across the country.

Despite the importance of information management for good outcomes in health care delivery, Canada's health care system has little capacity for health care information management and does not make use of information management technology to nearly the same extent as other information-intensive industries. We consider building a system of patient electronic health records to be a national priority, and believe that it should be entirely funded by the federal government.

Honourable senators, our committee has defined infrastructure of the health care system to include the education and training of people who provide health care to Canadians. A national strategy is needed in order to make Canada self-sufficient in health human resources. In the short term, more money is needed to boost enrolment in education and training programs for all health care professionals. The committee recommended that the federal government do its share by buying places in educational institutions so that more doctors, nurses and other health care professionals can be educated and trained.

The general thrust of Mr. Romanow's proposal with respect to information systems and electronic health records is similar to those proposed by the committee. He has also proposed major investments in diagnostic equipment. However, in other infrastructure areas, this report is rather short in detail, especially in terms of estimating the costs of implementing the general objectives he has endorsed.

Perhaps most surprisingly, Mr. Romanow set no specific targets for increasing the supply of either doctors or nurses in this country, and consequently did not allocate any specific funding for education and training of health care professionals. Moreover, there is scarcely a word about hospitals to be found anywhere in Mr. Romanow's report. This strikes me as a serious oversight, especially with respect to the urgent need of Canada's teaching hospitals.

The first minister's accord provides for an additional investment in the development of electronic patient records, but is imprecise concerning the implementation of its funding proposals on the other two infrastructure items, hospitals and human resources.

The structure of medicare in Canada means that publicly funded coverage for anything other than medically necessary services delivered by physicians or hospitals is either nonexistent or extremely uneven across the country. This leads to unequal access to many increasingly important elements in the continuum of care, such as prescription drugs. At the same time, it also perpetuates much inefficiency, such as unnecessarily long stays in hospital because of the unavailability of services in the home. It is therefore also imperative to begin to expand the scope of public insured services if we are to sustain an affordable system that is capable of using all key technological and scientific advances and providing Canadians with the best possible care.

The committee identified three key areas for investment by the federal government: post-acute home care, palliative care and protection against the risk of catastrophic drug expenses.

Recognizing that the resources are, and will continue to be, tight and that a fiscally responsible government program is needed, the committee recommended a national post-acute home care initiative; that is, one that focuses exclusively on home care following an episode of hospitalization.

The goal of palliative care is to provide the best possible quality of life for the terminally ill by ensuring their comfort and dignity while relieving pain and other symptoms. Recent studies have estimated that over 80 per cent of Canadians die in hospital. Fully 80 to 90 per cent of Canadians would prefer to die at home, close to their families, living as normally as possible. However, the services necessary to enable them to do so are not often available.

A national palliative care initiative could begin by allowing Canadians who wish to take time off from work to care for dying relatives to have access to Employment Insurance benefits.

Finally, a carefully targeted program is needed to protect the 11 per cent of Canadians at risk of experiencing significant financial hardship as a result of paying for catastrophic prescription drug expenses.

With respect to the delivery of health care services, Mr. Romanow and the Senate committee made recommendations on the same issues. There are many differences of detail, however. I would like to illustrate them briefly by using the example of the different proposals on dealing with catastrophic drug costs.

• (1630)

As everyone knows, drug prices are the fastest growing component of health care costs. A number of factors mean that the trend toward prescription drugs consuming an ever larger portion of the health care budget is not a short-term phenomenon. However, publicly funded coverage for prescription drugs is very uneven across the country.

The Hon. the Speaker: I regret to inform the Honourable Senator Keon that his time has expired.

Senator Keon: Honourable senators, might I have leave to complete my remarks?

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Keon: Although, on average, Canadians spend relatively little of their income on prescription drugs, the problem for those who face very high drug expenses can be extremely severe, with some people facing literal bankruptcy. In the committee's view, this is simply wrong.

The committee worked hard to find a feasible remedy to this growing problem. The committee's proposals call for the federal government to take over responsibility for 90 per cent of prescription drug expenses that exceed a certain limit that qualifies them as catastrophic. This plan, which would cost the federal government about \$500 million per year to implement, would ensure that no Canadian would ever have to pay more than 3 per cent of his or her income for prescription drugs.

Mr. Romanow has also addressed the catastrophic drug problem. Unfortunately, it is impossible to know exactly what the impact of Mr. Romanow's plan would be for Canadians in general since there are no fixed targets set for the maximum that individual families could spend out of pocket on prescription drug expenses.

The first ministers also recognized the need to do something about protecting Canadians against the risk of catastrophic drug costs, but left working out the details to future discussions.

I should now like to say a few words about accountability to the Canadian public. The committee believes that the area where accountability must be significantly improved is the way in which all levels of government report to the Canadian public on the state of the health care system and health status of the Canadian population. For this reason, the committee recommended the creation of a national health care commission and a national health care council that would be national in scope and would be responsible for reporting to the Canadian public on an annual basis on the state of the system as well as the health of Canadians.

Mr. Romanow has proposed the creation of a new health council of Canada that resembles the committee's proposal in many ways. He has given his council a somewhat broader mandate than the committee assigned to its commissioner, but it would report to Canadians on many of the same topics. The one potentially significant difference is over the degree of independence that these organisms would have from government.

The structure proposed by the Senate committee would make the national health care commission entirely independent of government. While the first ministers agreed to some form of accountability mechanism, its exact scope remains to be clearly defined. However, in some way, they would be answering to the government authorities.

In conclusion, by highlighting some of the differences between Mr. Romanow's report and that of the Senate committee, and by pointing to some of the areas that were either not covered at all by the recent federal-provincial accord on health care or were left vague by that accord, I have tried to indicate some of the ways in which the Senate committee's report remains relevant to the ongoing debate on health care reform.

I am encouraged by the extent to which many of the proposals, analyses and recommendations contained in the committee's report have already had an impact on public discussion of these issues and on the various levels of government. There is clearly more work to be done if the foundation of the most important social program in the country is to be solidified long into the future.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I would like to ask a question of Senator Keon.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Lynch-Staunton: Has Senator Keon had a chance to read the statement following the first ministers' conference on the issue of health care? If so, did he find in it any conclusions that could have been drawn from either the Romanow report or the Senate report? Did the first ministers find those reports useful to their deliberations? Is any of that reflected in the conclusions that the ministers reached?

Senator Keon: Honourable senators, there is little doubt that the synergism in the Romanow report and the Senate report were reflected in the first ministers' conference. We have to accept that there has been a tremendous change in the operational frame of mind of governments in Canada. This whole phenomenon that we have lived with for the last 15 years of beating on hospitals, institutions and organizations to pull more out and to become efficient has been eased up. People are now beginning to accept the fact that this system cannot be sustained without a very major investment, and an investment that will bring about change. That was reflected in the accord arrived at by first ministers.

There is no question that the accord was criticized tremendously in the press. These things are always somewhat disappointing. However, we have to congratulate the governments of every jurisdiction and political persuasion for moving in a positive direction, although they could still be in a stalemate over this.

Some things are starting to happen. It is now up to all Canadians, in particular those who have been involved with this issue for some time, to assist governments of all persuasions and in all jurisdictions to try to come to grips with this matter.

A couple of weeks ago, honourable senators, I had the privilege of reviewing cardiovascular services and so forth in Great Britain. I spent a week conducting my review. I came home feeling pretty good about what we are doing in Canada.

It is interesting to note that the British approach is to give a health guarantee of a year for different procedures, diagnostic tests and so forth. Indeed, if someone waits a year, they can go to Germany or France for the procedure and the National Health Service will pay the bill.

However, the vast majority of these people do not wait a year. They go to a private clinic to buy the service. We do not have that option in Canada. Some 75 per cent of Canadians do not want that option. It is up to all of us to try to protect what we have and to build upon it.

Hon. Yves Morin: Honourable senators, following the thoughtful comments of Senator Keon, I would also like to comment on the thoughtful health care renewal accord that was agreed on by first ministers last Wednesday. To my mind, this accord was harshly and unjustly criticized. I think it is a remarkable initiative that will result in real and lasting change for our health care system.

As Senator Keon has stated, this accord is based on provincial as well as various federal studies. In the document that was made public at the end of the discussions leading up to the accord, the work of the Standing Senate Committee on Social Affairs, Science and Technology is specifically recognized as contributing to the accord.

As a matter of fact, as Senator Keon has stated, many of the various issues that have been covered come directly from our work.

[Translation]

This accord is made up of several components. The first deals with consolidation of current operations, for example hospital operations and staff pay.

• (1640)

This funding is divided in three. The first, according to the September 11, 2000 accord, initially \$21 billion, constitutes funding of \$1.3 billion that will extend beyond the three years covered by the accord.

This year there will also be an immediate transfer from the federal government to the provinces in the order of \$2.5 million. As well, there will be a transfer next year, assuming a budget surplus. This year, \$8.4 billion in new funding was made available, which accounts for 50 per cent of federal transfers.

An excellent initiative is being announced, the creation of a Health Transfer Fund. This means that, by 2008, all federal transfers to the provinces will be through one specific fund. At that time it will be possible, without any discussion of actual figures, to see what the government's exact transfers to the provinces are.

[English]

The second part of this accord is a new health reform fund of \$16 billion over five years. At the end of five years, this fund will be transferred to the special Canada health transfer fund and, as I stated earlier, all federal transfer money will be in this fund. There will be an annual report on progress of spending of these funds by the provinces, with similar indicators, to which they have already agreed.

The first fund will be invested in primary care reform. That, to my mind, is by far the most important reform, as it will promote access to care, quality and sustainability of our system. The objective is to have 50 per cent of the Canadian population covered within eight years with 24/7 coverage by multidisciplinary primary care teams responsible for the care of the Canadian public.

The second program is a home care program with first dollar coverage, an important issue that the provinces debated at length. It means there will be no user fee, and it includes the funding for nursing, equipment, and so forth. It will apply to short-term acute care, to acute community mental illness, and that is a provincial victory because it was not in the original program as set out by Minister McLellan in her original plan. There will also be the coverage of palliative care. I would like to recognize the important and crucial work of Senator Carstairs in this regard. If that coverage is in the accord, it is due entirely to the efforts of Senator Carstairs.

Finally, there is catastrophic drug coverage. As Senator Keon stated earlier, 10 per cent of the Canadian public, mainly in the Atlantic provinces, have no coverage to pay for catastrophic drugs. It is an essential component of health care, and the Canadian public expects every Canadian to have this type of support. Also included is a type of pharmaceutical management, which we definitely need in this country, that will include efficiency of drug therapy and reduction of costs, including the costs of generic drugs. They are more expensive in Canada than in other countries, and the rate increase respecting those drugs exceeds that of other types of drugs.

There is a special diagnostic equipment fund of \$1.5 billion. Senator Keon referred to the sad state of our equipment in Canada, which is near the bottom of the OECD list. That fund will help. This time there will not be the buying of lawnmowers or stoves or things like that because the provinces must report annually on the expenditure of this funding.

A very important fund will be allocated to health information systems. Senator Keon stressed the importance of these systems to the efficiency of our system, the quality of care and the sustainability of the Canadian system. Electronic health records are at the core of this health information system, and \$600 million will be allocated to this system, in addition to the \$500 million already allocated. Of the OECD countries, our system will be the most generously supported, with the exception of that of the U.S.

Other health accord initiatives will be funded at the level of \$1.6 billion over five years to deal with patient safety, technology assessment and human resources.

Senator Keon stressed the importance that our Senate report placed on the academic health care centres, which are truly a national resource. The Romanow commission made no mention of academic health care centres. There will be \$500 million given to these centres, and that will help them, of course, in their role of formation, research and ultra-specialized care.

There will be \$1.3 billion going to Aboriginal health care, as well as a number of other initiatives, for example, health research. We can expect to see that in the next budget under the CIHR support. Health promotion, health protection and drug approval will have an extra \$1.3 billion over five years.

[Translation]

This accord announces the establishment of a National Health Council, whose mission to demonstrate accountability, excellence and innovation will transform our system. The federal government is responsible for ensuring reasonably comparable health care for all Canadians. As Prime Minister Chrétien indicated, the residents of each province should be able to compare the quality of care they receive from one province to the next. The provinces have agreed on indicators for accessibility, quality of care and system viability. These accords are based on work being done by the Canadian Institute for Health Information. Funds will be granted to this institute so that it can assume a greater role.

In this regard, it is unfortunate that Quebec has not agreed to sit on this new council. Its absence will hurt all Quebecers, who will not be able to compare the quality of care they receive to that in other provinces. The Claire report, far from favouring closer cooperation with the federal government, recommended that Quebec participate in the Canadian Institute on Health Information, which Quebec is not doing, at present.

Honourable senators, this accord shows remarkable progress. This is a historic agreement for the development of health care delivery. It consists of a generous transfer of funds from the federal government to the provinces. If the federal government had given in to the provinces' demands, and Quebec's demands in particular, there would be a huge deficit when the budget is brought down next week.

• (1650)

Finally, we must acknowledge the key role played by the Minister of Health in preparing this accord, and that of the Prime Minister during negotiations.

[English]

Hon. John G. Bryden: I would like to ask a question, in order to make a comment. I was going to ask this of Senator Keon, but, as sometimes happens with me, I was ignored.

Some Hon. Senators: Oh, oh!

Senator Bryden: It is appropriate as well to ask it of Senator Morin. It is really for the interest of both senators given their professions and the reputations they hold in those professions.

I wish to draw to their attention a series of brief essays that appears in the latest issue of *The Atlantic Monthly*, entitled "The real state of the union." There are eight or ten articles, a page and a half in length, by eminent critics and people who obviously know something about which they are speaking, on various sectors of the U.S. economy such as defence, education and so on.

One of the articles that I found of particular interest — was the discussion of health care in the U.S. and the reference to interesting studies that have been done. One of the conclusions is that there is not a direct relation within limits between the amount of money spent and the number of facilities, procedures and specialists available to the population of the community being served. The article indicates that specialists and facilities with the ability to do procedures tend to gravitate in the U.S. to the places with the best climates and the best culture.

Hon. Elizabeth Hubley (The Hon. the Acting Speaker): Honourable senators, I wish to inform you that Senator Morin's time has expired.

Senator Bryden, are you seeking leave to continue?

Senator Lynch-Staunton: Is there a question?

Senator Bryden: Yes. I am trying to get to the question. The article states that there is no direct relationship between the number of procedures performed and the health of the population in the area. Indeed, it is the reverse in some areas. For example, although far more procedures are done in the Miami area — given its general wealth — compared to the Dakotas, the health of the population in the Dakotas is greater.

There is no end to the number of tests that can be ordered and the number of procedures that can be done. People do not understand that virtually every time a procedure is performed in a hospital or on an out-patient basis, the risk of doing damage, the risk of being infected is great, which often offsets the ability to access this never-ceasing place where one can go to get work done.

The article also points to a study on arthroscopic knee surgery that was conducted on several thousand patients. One group received actual arthroscopic knee surgery and the other half received what would be the equivalent of a placebo; that is, they did not really have anything done to their sore knee at all. Six months later, there was no difference in the wellness of those who had actual arthroscopic surgery and those who thought they had had arthroscopic surgery. Has the honourable senator had the opportunity to read this article? If he has not, I would recommend it to him.

Senator Morin: It is extremely difficult for me to comment on an article that I have not read.

I have several comments. One is that social determinants of general health are more important than medical care. Education, social status and economic development are all extremely important factors for health. Lifestyle is more important. Whatever medical care a smoker gets when he has lung cancer is not important when we consider the fact that not smoking is more important. This is true for physical exercise, diet and so forth.

Concerning the study that has been referred to, clinical research using placebos happens all the time. Many drugs that have been used in the past have been found to be not as active as we thought they were after good clinical trials were conducted using placebos. There is nothing unusual about that. I am old enough to remember how many procedures were done when I was a young physician that were found not to be as effective as others.

That certain procedures are done and are not effective is not surprising. That is the difference between scientific medicine, which continuously changes and improves, and other types of treatments that are based on faith.

I certainly will read this article, but the two specific points — the relative lack of importance of medical care in the health of a community and the fact that some procedures may be found to be less effective than others — are part of the game. This has been going on for years.

On motion of Senator LeBreton, debate adjourned.

SANCTIONING OF MILITARY ACTION AGAINST IRAQ UNDER INTERNATIONAL LAW

MOTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Roche, seconded by the Honourable Senator Taylor:

That the Senate notes the crisis between the United States and Iraq, and affirms the urgent need for Canada to uphold international law under which, absent an attack or imminent threat of attack, only the United Nations Security Council has the authority to determine compliance with its resolutions and sanction military action.—(*Honourable Senator Rompkey, P.C.*)

Hon. Noël A. Kinsella (Deputy Leader of the Government): Honourable senators, I rise to speak on this debate concerning the situation in Iraq, and in particular, the threat of war against Iraq. This is a crisis for the world community today, a crisis that leaves no country and no people in the role of bystander. We are all challenged with complex political and ethical questions surrounding this crisis.

• (1700)

What are we to do as Canadians? What do we foresee in terms of the imminent danger to human life? How are we to discern the correct course of action for Canada? Are we able to identify our responsibility to the world community? Shall we contribute to the shaping of the international order and respect for international rule of law, or shall we shrink from our duty and let others determine our course of action?

Honourable senators, we are standing on the brink of war in Iraq and we must ask: What is to be the nature of that war? Can it be justified politically or morally? Let us recall, honourable senators, that, while in its juridical sense, war is a contention carried on by the force of arms, in its humanitarian sense, it is the horrific slaughter of human life.

In order to analyze the morality of any war on Iraq, some of the questions we need to ask ourselves include: first, the existence of the right of war; second, the juridical source of such a right; third, its possessor; fourth, its title and purpose; fifth, its subject matter; and, sixth, its term.

To what extent can we speak of the right of war, or are the two terms contradictory of each other? Is it indeed an oxymoron to speak of the right of war? Clearly, there is much less difficulty in securing universal acceptance of the proposition that there exists a right of peace, a right to security, a right to solidarity.

Honourable senators, every perfect right, such as the right to security, involves an obligation in justice of deference to it by others. In order for the world to enjoy the right to peace and security, free from the threat of aggression and weapons of mass destruction, the Iraqi regime has a clear obligation to disarm. The right to peace and security of the people of the United States — as with the people of Canada and, indeed, the people of the world — carries with it the subsidiary right of coercion, if it is to be a real and efficacious right and not an illusory one.

Students of human rights will understand that a perfect right implies the right of physical force to defend itself against infringement, to recover the subject matter of right unjustly withheld, or to exact its equivalent and to inflict damage in the exercise of this coercion wherever it cannot be exercised effectively without such damage. It is critically important to understand that there are definite limitations to this coercive right, which include that its exercise be necessary, that the damage not be inflicted beyond measure and that the exercise of coercion be restricted in civil communities to public authority.

The existence of the right of war also might be supported by the duty that the state or group of states has to defend its citizens' rights, including the solidarity right of peace. States and the international community have the right of coercion in safeguarding their own and their citizens' rights in the case of menace. This is so because, without it, the duty of the state to defend the rights of its citizens would be impossible to fulfill. The rights of the common weal would be nugatory, while the individual and solidarity rights of the people of the world would be at the mercy of tyrants.

Regarding the juridical source of the right of war, the international law articulated by numerous resolutions of the Security Council of the United Nations, including resolution 1441, provide the international juridical backdrop for the crisis that we are currently facing. Additional resolutions of the Security Council might or might not be adopted so as to sustain the use of force in Iraq. Furthermore, honourable senators, the entire corpus of international humanitarian law clearly outlines the required limitations. Human reason makes clear that in order for the given state or the international community to fulfill its duty to protect the right to peace and security through a multilateral organization such as the United Nations, it must have the moral power or right to do its duty. This includes the subsidiary right of physical coercion, without which these rights would not be efficacious.

In a world of nation states, one might see the right of war resting solely with the sovereign authority of the state. However, given the nature of the interconnected and international global community of today, together with the nature of the right to peace and the right to security as third generation human rights or solidarity rights, we might need to understand the right of war as belonging to the international community.

Honourable senators, any claim by the United States to possess the right of war on Iraq would need to be seen as flowing from the right to security and other rights at peril in the United States. A claim by Canada would also have to meet that same test, as would the prosecution of war under a multilateral effort.

The primary title or right of a state or group of states to go to war is, first, the fact that the state's rights or the rights of the international community and the people are menaced by the aggression of Iraq and cannot be prevented other than by war; second, that the actual violation of right is not otherwise repairable; and, third, that there is the need to punish the threatening acts of Iraq for the security of the future.

The secondary title or right to go to war may arise when another state is in peril — the innocent are oppressed and the world responds. However, a clear title to wage war is limited to the condition that war is necessary, and necessary as a last appeal. Hence, if there are reasonable grounds to think that Iraq will withdraw its menace and disarm its weapons of mass destruction, and give a fair guarantee of the future security from any new developments of such weapons, then war cannot as yet be said to be a necessity. Therefore, there would be no right of war.

• (1710)

Again, the question of proportion between the dangers to be inflicted by war on Iraq and the value of the right of the people of the world, including those in the United States, to be free from the threat of the menace caused by the Iraqi weapons of mass destruction must enter into consideration for the determination of the full justice of a title or right to wage war on Iraq. The true proportion between the damage to be inflicted and the right violated is to be measured by whether the loss of the right in itself or in its ordinary consequences would be morally as great a detriment as the damage to be caused by the war on the people of Iraq.

In the prosecution of the war on Iraq, the killing or injuring of noncombatants — women, children, the elderly, the frail, et cetera — is not included within the subject matter of the right of war, nor would the use of nuclear, chemical or biological weapons be justified.

The term or object of the right of war is the nation against which war can be justly waged — in this instance, Saddam Hussein's Iraq. It is juridically in the wrong, having not complied with United Nations resolutions, and it violates the right of others to their right to peace and security because of their past use and threatened use of weapons of mass destruction to this day.

In conclusion, honourable senators, the world stands today on the brink of a war on Iraq. The question that Canadians need to address is the following: Is such a war justified? The issue should not be whether the war will be prosecuted by the United States, together with a coalition of the willing, nor should the question be whether the war will be prosecuted under the multilateral umbrella of the United Nations. Rather, Canadians need to determine if there exists a right to conduct such a war and if it can be claimed as an instance of the general, moral power of coercion.

For a war to be just, it must be waged for the security of a perfect right. In this instance, the perfect right is the right of the people of Canada, of the United States and of the world to live and exercise the right to peace and security free from the threat of weapons of mass destruction.

Hon. Douglas Roche: Would the honourable senator entertain a question?

Senator Kinsella: Yes.

Senator Roche: I should like to congratulate Senator Kinsella on a brilliant speech. It was in the high manner, one would even call it the philosophical mould, that one has come to associate with Senator Kinsella's thinking. Would the honourable senator give us a bit more on the final question of his address, namely, is such a war justified?

Senator Kinsella brilliantly counterposed the right to war and the right to peace. One would take from his speech that there is no right to wage a war that will involve the massive killing of innocent people; in other words, if the damage caused would far exceed what would be permitted under the just war rules of limitation and proportionality.

Is it Senator Kinsella's view that the manner in which the United States has said this war will be prosecuted, particularly in the first two days, will be in harmony with humanitarian law? If he is not convinced that it will be, can the honourable senator say whether or not he favours Canada pushing hard within the United Nations context to support the French, Russian and German proposal for a tripling of inspectors to alleviate the concern of the world that Saddam Hussein is trying to hide weapons?

The Hon. the Speaker *pro tempore*: Honourable senators, I regret to inform you that Senator Kinsella's time for speaking has expired. Are you asking leave to continue?

Senator Kinsella: I will ask leave.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Kinsella: I would thank the honourable senator for his question.

In principle, it is clear, particularly in the aftermath of 9/11, that our very close friends in the United States have not only apprehended but have directly experienced a threat to their right to peace and security. The United States, in my view, has absolutely every right to use coercion to secure for its citizens the right to peace and the right to security, as does every other state. Indeed, it is the duty of the state to do what it can in that regard, including using as a moral power the subsidiary right to use coercion if the state's citizens are having their right to life, peace and security threatened, as has been the case.

The whole issue of justice being restored flows from the invasion of Kuwait by Iraq some 10 years ago. Under the international law fora of the United Nations, a cessation of hostilities was agreed upon and undertakings were given not only to repair the damage that had been done, but also to secure the peace and security that had clearly been threatened. As we know, that has not been done, and they have not delivered on the attempt by the United Nations to get Iraq to demonstrate that it has gotten rid of its weapons of mass destruction.

As far as international law is concerned, while maintaining respect for the rule of international law — we are not operating under the law of the jungle — there was, in my judgment, sufficient international legal grounds for the international community to use physical force 10 years ago.

In my own analysis of resolution 1441, I simply believe that there is in the wording of that resolution, again from the standpoint of international law, a sufficient case that physical coercion is legally justifiable. I am contrasting the international legal order on the one hand with ethical questions or the moral issue on the other.

• (1720)

International law contains a whole body of law on how to conduct a humanitarian war, which is almost a contradiction. However, it has been in place since the times of Henri Dunant and the whole series of conventions on humanitarian warfare.

As far as international warfare is concerned, I am of the school of thought that UN resolution 1441 is sufficient. I am in the disadvantageous position of not having sufficient data upon which to conduct a full analysis. Thus, I welcome the opportunity to have a debate under the vehicle of Senator Roche's motion. I would have preferred to have it under a different form whereby the government could lay before us some of the information that it has, which would help to inform the debate. We are debating in the dark, in many ways.

I am clear on the principles, but as far as how they are to be applied at the end of the day, there needs to be a debate.

Senator Roche: I have one more question for the honourable senator. I want to agree with almost everything that Senator Kinsella has said. However, did the honourable senator mean that resolution 1441 provides sufficient legal authority to prosecute a war? There is strong legal opinion in the international community that it does not. Therefore, a great effort is now being made to discuss the efficacy of a second resolution that would make concrete an authority for military action.

In asking Senator Kinsella this question, I, too, want to link the discussion of the legal proprieties with the moral and ethical considerations because we know that the manner in which this war will be prosecuted will not be, as the UN charter says, "a limited use of force for a certain objective." It will be a massive assault, in which countless numbers of people will be killed. That will be directly contrary to every aspect of humanitarian law.

We must give serious consideration to Senator Kinsella's opening statement. He said, "What are we to do as Canadians?" As Canadians, we have to stand up for the best of international law, and I would ask Senator Kinsella to comment on that.

Senator Kinsella: Honourable senators, I should think that there is no one on Parliament Hill who would not be supportive of the world community finding a resolution to the crisis that will not involve the use of coercion. I do not think the question is whether this is led by the United States with a coalition of the willing or whether it is initiated by the United Nations with a multilateral force. That is an interesting international, political question. However, no matter the method, is it right to do it? In order for it to be right, one must be at the point where no other solution is available. Many suggestions have been forthcoming over the past several days. The honourable senator has mentioned the German-French proposal, specifically. There have been other proposals to try to deal with the question of a regime change in Iraq.

I am hopeful that a resolution will be found. My concern is that I do not have much information because the government has not brought it forward. I have no idea as to the position of the Government of Canada. We are in a frustrating situation to try to engage in an intelligent debate. I can only deal with the principles.

My preference is that we find a peaceful solution beyond an armed conflict. I agree with Senator Roche and I share with him his concern about how to prosecute war in the world in which we live, given the ordnances that are intended to be dropped from 32,000 feet, et cetera. From a military, tactical standpoint, I do not know how one discovers and identifies targets. I would want the defence authorities to appear before the Committee of the Whole or a Senate committee to answer those questions.

Senator Roche: Yes, I agree.

Senator Kinsella: We can only identify the principles and, based upon the third-hand or fourth-hand knowledge that we have, give our best estimate.

Honourable senators, I would hope that, at the end of the day, we are able to find the perpetrator of the threat to our right to peace and security, namely, Saddam Hussein. I am hopeful that he and his totalitarian regime will comply with the UN resolutions and with the requirement of the world community that he demonstrate that he has disarmed and has rid Iraq of those threatening weapons of mass destruction. It is his obligation to do that.

I encourage the Government of Canada to have the wherewithal to adopt a policy to participate directly in a coalition with others, whether it be NATO or the United Nations, and to shape the tactics, should it come to that, so that the innocent are not massacred. It is not good enough for Canada to be on the sideline; Canada cannot be a bystander. First, the right of Canadians to security is in the balance. More important, if we participate, we may shape a peaceful resolution and ensure that all avenues are exhausted. By being a full participant, we may be able to determine the tactical side of things should force be used.

Hon. Herbert O. Sparrow: Honourable senators, I am not sure whether I am on safe ground with my question. In his address, the honourable senator referred to a war on Iraq. Is there a difference between a war "with Iraq" and a war "on Iraq"? The honourable senator talked about a massive assault. Are we talking about an assault on Iraq or a war on Iraq or a war with Iraq to obtain certain goals?

Senator Kinsella: The source of the threat to our right to peace and security comes from the regime of Saddam Hussein, who is the dictator — the tyrant — in Iraq. If he and his regime are not prepared to remove that threat, then the world community and individual states have the right, in my judgment, to take steps to remove that threat. There is no great distinction to be made between war on Iraq and war with Iraq.

• (1730)

I am talking about the regime that is running Iraq that has deployed and utilized weapons of mass destruction in the past. It is the regime that caused the invasion of a neighbouring country 10 years ago. That is the respondent, if you like, to the right of the world community to secure peace and maintain security, even by the use of coercion.

On motion of Senator Rompkey, debate adjourned.

**DISCRIMINATORY AND NEGATIVE PERCEPTIONS
SURROUNDING RESIGNATION OF FORMER SOLICITOR
GENERAL LAWRENCE MACAULAY**

INQUIRY—DEBATE ADJOURNED

Hon. Elizabeth Hubley rose pursuant to notice of November 7, 2002:

That she will call the attention of the Senate to the discriminatory and negative perceptions and views of certain Opposition Members of Parliament and national media towards Atlantic Canada, and Prince Edward Island specifically, in relation to the circumstances surrounding the resignation of the former Solicitor General of Canada, Mr. Lawrence MacAulay.

She said: Honourable senators, I gave notice of this inquiry prior to the Christmas recess following a very tragic and unnecessary political event, the resignation of the former Solicitor General of Canada, Lawrence MacAulay. If you will recall, he tendered his resignation on October 22, 2002 following a vicious and sustained attack against his character both in Parliament and in the media.

Following his resignation, the *Ottawa Citizen* described the Canadian Alliance Party as an "effective" opposition for having "brought down" a Liberal cabinet minister and for taking the supposed high ground on a number of issues.

What had Mr. MacAulay done? The federal Ethics Commissioner determined that Mr. MacAulay had lobbied to obtain financial assistance for Prince Edward Island's only community college. The president of Holland College is the former minister's brother. In the House of Commons, the attack was led by the Canadian Alliance and by the Honourable Leader of the Progressive Conservative Party, Mr. Clark, and his Nova Scotia colleague, Peter McKay.

Honourable senators, I was an elected representative for many years, and I am certainly not naive when it comes to partisan politics. I do understand the parliamentary role of the official opposition.

However, I also believe that even in the contentious and, at times, uncivilized world of partisan politics, honest people should not be unjustly maligned, nor should the legitimate needs of any province or region be treated with disrespect. It is not my intention to examine the unfortunate circumstances that led to Mr. MacAulay's resignation from cabinet, although, like the Prime Minister, I was of the view that he had done nothing wrong, certainly not anything that warranted his departure from cabinet.

There are other larger issues raised by the so-called MacAulay affair, issues of fairness and equality and the manner in which smaller and less powerful provinces and regions are viewed, especially by Central Canada. The attack against Mr. MacAulay and the government quickly turned into an attack against Prince Edward Island and Atlantic Canada. At times, it was contemptuous and belittling.

Honourable senators, I should tell you this: Prince Edward Islanders of every political persuasion are proud of Mr. MacAulay. They not only consider him to be a honourable man, but they also believe that he did an outstanding job representing their province. Just ask Premier Pat Binns. Despite party differences, Premier Binns and Mr. MacAulay worked closely and successfully together to improve the economy of the Island.

In the wake of Mr. MacAulay's resignation, Premier Binns went to Toronto where he met with the editorial boards of *The Globe and Mail*, the *National Post* and *The Toronto Star*. In an attempt to dispel their stereotypes and negative perceptions about Prince Edward Island, he told them that Prince Edward Island has a dynamic economy based on agriculture, fishery and tourism, further enhanced by food processing and manufacturing, as well as emerging aerospace and technology industries. In all likelihood, the premier also took issue with *The Toronto Star's* insulting remark that Prince Edward Island is "almost as famous for patronage as potatoes."

Premier Binns was clear about the controversy surrounding Mr. MacAulay. He said that it was unfortunate that this story got tied up with the fact that his brother was president of the college. I think that some people believe that there was to be some profit for his brother. The reality is that there was to be no profit.

Time has certainly not healed these wounds for Premier Binns. In a recent speech at the Charlottetown Rotary Club, the premier spoke again of the disservice done to Prince Edward Island by a national media seemingly bent on destroying its image in the eyes of other Canadians.

Honourable senators, let me tell you about Holland College, the educational institution at the heart of the MacAulay affair. Established in 1969 by provincial statute, and operated by an arm's length board of governors appointed by the Lieutenant Governor in Council, Holland College provides Islanders and others with a broad range of educational opportunities in the fields of applied arts and technology, vocational training and adult education. One of more than 80 community colleges throughout Canada, Holland College has distinguished itself in many ways.

Let me tell you about a few of its programs. The Atlantic Tourism and Hospitality program and the Culinary Institute of Canada, working in support of the Island's tourism industry, enjoys an international reputation and attracts students from around the world. The Aerospace and Industrial Technology Centre graduates are skilled technologists and machinists, and the Justice Institute of Canada and the Atlantic Police Academy train law enforcement officers for the region as well as conservation and correctional officers.

Honourable senators, it was around this latter, highly respected, institute that Mr. MacAulay floundered politically. Holland College wished to establish a justice-knowledge network, an Internet-based police-training program and the then Solicitor General and regional minister wanted to help realize this important initiative.

Holland College is a publicly-owned and community-operated college. It is a vital part of our educational system in Prince Edward Island. The Justice Institute of Canada and the Atlantic Police Academy enjoy solid reputations based on many years of quality professional training in the region. Holland College is not, as Greg Weston of the Ottawa *Sun* suggested, Alex MacAulay's college.

The president of Holland College, the former minister's brother, Mr. Alex MacAulay, is an employee of the college under the direct supervision of a provincially appointed board of governors. He has provided excellent leadership during his tenure as president, and he stood to receive no personal benefit in any way, shape or form as a result of the federal government's participation in the expansion of the Justice Institute, other than perhaps, the satisfaction of seeing Holland College further meet its mandated goals and objectives.

Yet, honourable senators, day after day, in Parliament and in the media, the former minister and his brother, and by extension, Prince Edward Island, were subjected to the most unfair treatment. There is a shameful double standard at play here. It is one that allows the larger and wealthier provinces to receive industrial development and other assistance from the federal government with no questions asked. At the same time, initiatives assigned to lift my region out of its historical dependency on federal transfers are mocked and dismissed. Islanders are wondering about a federal system that tolerates such regional discrimination.

• (1740)

Honourable senators, Atlantic Canada is not an economic basket case where people prefer government handouts to honest work. This certainly is the view of Mr. Harper, Leader of the Canadian Alliance Party. He expressed it, early in his leadership, to an astonished and insulted audience in Halifax. Although he has since tried to distance himself from these remarks, his party has shown itself to be insular, not willing to embrace the spirit of Canada or its people.

The Canadian Alliance may be an "effective" opposition in the eyes of the *Ottawa Citizen*, but I do not believe for a moment that it is a "responsible" opposition, not when it chooses to turn its back on the people of an entire region of the country.

At a fundraising event in Toronto several months ago, the Leader of the Progressive Conservative Party, the Right Honourable Joe Clark, a man for whom I have had a great deal of respect and admiration, was sharply critical of U.S. political commentator Pat Buchanan for calling Canadians "freeloaders" because, militarily, we rely on our American neighbours. Yet Mr. Clark, I believe, displayed a similar view of Prince Edward Island and the Atlantic region when he questioned Mr. MacAulay's support of Holland College. It was also disappointing to see his colleague Mr. Peter MacKay, thought by some to be the next leader of the Progressive Conservative Party, also criticize regional development spending in Prince Edward Island.

Honourable senators, Atlantic Canada was an economic leader prior to Confederation, and we fully intend to be a leader again as the 21st century unfolds. However, we do need the help of the

federal government. The outlook for Prince Edward Island's economy is good, but Islanders have the lowest per capita income in Canada, and we still have a lot of catching up to do. Programs such as the ACOA-administered Atlantic Innovation Fund, designed to strengthen the region's economy by accelerating the development of knowledge-based industries, will benefit Prince Edward Island greatly. Equalization and established program funding help us to provide equitable levels of service in health care and education, but we are not alone in receiving such federal contributions.

Honourable senators, in my province, we believe that future economic success will depend largely on the education and training our people gain for themselves. In a recent editorial in the *Financial Post*, Diane Francis pointed out that Canada's educational system is second only to that of the United States but that "the drag on Canada's educational levels is localized in the Maritimes." It is true that our region has the fewest number of people with university degrees of any region in the country, but that statistic does not tell the whole story. Atlantic Canada has, in fact, led the way in the educational field.

English Canada's first university, King's College, was established at Windsor, Nova Scotia, in 1789, and Prince Edward Island's Free Education Act of 1852 brought in one of the first systems of universal public education in British North America.

Today, honourable senators, Atlantic Canada has over 40 colleges and universities, the highest per capita ratio in Canada, as well as research programs that are leading the country in many areas. According to the most recent *Maclean's* national ranking of universities, the top three undergraduate schools in Canada are situated in Atlantic Canada: St. Francis Xavier, Mount Allison and Acadia. I am especially proud to see the University of Prince Edward Island ranked ninth in the country, up from fifteenth place last year.

Another myth that needs exploding, honourable senators, is that Atlantic Canadians are lazy and do not want to work. Nothing could be further from the truth. We certainly want to put more people to work; yet unemployment statistics are skewed by the seasonality of our primary industries and easily misunderstood. The truth is that labour participation rates in Atlantic Canada are high, and we have among the lowest rates of turnover and absenteeism in North America. You cannot fish lobsters in January or grow potatoes in March, but Atlantic Canadians are hard-working and enterprising people, qualities appreciated by the many new businesses established in the region.

Honourable senators, the forced resignation of Lawrence MacAulay was a blow to Prince Edward Island, and it does put into question the traditional role of the regional minister as an advocate for their particular province and as a purveyor of federal assistance. If we were to follow the new rules of the game, ministers of the government would confine themselves to passing laws and running their respective departments. They would not be involved at all in the apparently unacceptable work of promoting and developing their respective communities.

Honourable senators, the smaller and less powerful provinces need a minister at the cabinet table, not to "dispense gifts," as Anthony Wilson-Smith of *Maclean's* contends so cynically, but to ensure a degree of fairness and equity in a federal system that does not always take them into account.

In my province, successive governments have done their best to put forward the Island's unique position within the Canadian family. It takes constant initiative and effort on the part of all elected representatives, whether municipal, province or federal, to keep track of and access the myriad of available federal programs to ensure that we get our fair share, as some have described it.

If members of Parliament and, more specifically, cabinet ministers are now to be prohibited from engaging in this work, if they are not longer permitted to bring together individuals, businesses, local organizations and institutions with the federal programs that potentially might help them, if they are to give up the important role of directing strategic initiatives in their region, if that is the new road we are to follow, then our ministers will become political bystanders. They will be more akin to bureaucrats than politicians, and in my view that would be a tragedy.

Islanders have always been a small part of a very big country, and yet we claim our full constitutional rights as a province. We make no apologies to anyone, including Alliance MP Randy White, for federal spending to achieve legitimate social and economic objectives. Apparently Mr. White did not think much of a decision to locate a new federal government additions research facility in Montague, even though the director of the facility pointed out that had it been located in Ottawa, it would not be any closer to a prison nor any better able to carry out its work. Montague is not exactly the metropolis of the world, announced Mr. White. He is right; Montague is not a metropolis of the world. It is a beautiful small town in eastern Prince Edward Island with rural values and an enterprising spirit, not unlike hundreds of small towns elsewhere in Canada.

Possibly the most insulting and offensive editorial that appeared during the public demise of Mr. MacAulay was penned by Greg Weston of the *Ottawa Sun*. Like Mr. White, Mr. Weston could not accept the fact that federally funded projects were being undertaken in such a small and therefore insignificant part of Canada. "The Minister's own hometown and Cardigan riding," wrote a frustrated Weston, "isn't exactly the commercial centre of the universe...listing the entire business district would probably fit on a Yellow Page." Actually, for Mr. Weston's information, it would take several Yellow Pages.

You see, honourable senators, this is the same old problem: the inability or unwillingness of Central Canada to accept the reality of Prince Edward Island, that it is a small, close-knit province where people know and care for one another. Our size and our familiarity with one another are our greatest strengths as a community. We will continue to fight for our fair share, and if Mr. Clark's metaphor of Canada as a "community of communities" still resonates and has meaning, Prince Edward Island will be understood and appreciated for its unique contribution to the life of this great country.

Susan Riley of the *Ottawa Citizen*, in a thoughtful and balanced editorial following Mr. MacAulay's resignation, described the former Solicitor General as "an honest man" who volunteered "to walk the plank." I could not agree more with her assessment. The former minister was guilty of giving preferential treatment, not to family and friends, but to his own province and region. This is not a crime in a federal state built around the ideals of cooperation and sharing.

• (1750)

On motion of Senator Robichaud, for Senator Callbeck, debate adjourned.

LEGACY OF WASTE DURING CHRÉTIEN-MARTIN YEARS

INQUIRY—DEBATE ADJOURNED

Hon. Marjory LeBreton rose pursuant to notice of February 6, 2003:

That she will call the attention of the Senate to the legacy of waste during the Martin-Chrétien years.

She said: Honourable senators, we are now in the ninth year of a government led by the Right Honourable Jean Chrétien and, until recently, his right-hand man, the Honourable Paul Martin, a government which has created an unprecedented and lasting legacy of waste and mismanagement. We have not seen the likes of this in our history.

The collection of a complete compendium is obviously not possible since Prime Minister Chrétien has almost one more year to add to his thriftless legacy as Prime Minister. As ironic as it may seem, especially to followers of Mr. Chrétien, it now appears that the Honourable Paul Martin will succeed him. Although the waste and mismanagement that has come to light over the years is already extensive, it is likely that it represents only the tip of the iceberg.

Can you imagine, honourable senators, what we do not know thanks to the ineffectiveness of the official opposition in the other place and the easy ride given to Mr. Chrétien and Mr. Martin by an unusually sympathetic media during the first half of their term in office? While there is enough material on the subject of waste for a long, long, speech, which could undoubtedly qualify me for the *Guinness Book of Records*, it is my intention to kick off this inquiry by reviewing some of the highlights to illustrate the true legacy of Messrs. Chrétien and Martin.

Honourable senators, even before the Thirty-fifth Parliament was summoned to meet for the first time, Prime Minister Chrétien and his cabinet wiped out years of work and negotiations involving hundreds of people with the stroke of a pen. Who can ever forget his words, "Me, I take a pen and write zero helicopters," thereby incurring contractual penalties of roughly \$500 million?

Nine years later, we still have no helicopters, and we will not have any for some time. We have seen the process set back to zero on several occasions. The procurement project was split and then rejoined at a cost of \$400 million — \$400 million for absolutely nothing. The net effect is that our military forces have been condemned to using very old Sea Kings that are well beyond any reasonable expectation for the operational life of their airframes.

Current estimates are that the Prime Minister's arbitrary and very political decision to cancel the helicopter contract in 1993 will cost the taxpayers of Canada roughly \$2.9 billion more than if the government had simply proceeded with the original contract.

The gross waste and mismanagement exemplified by the helicopter procurement contract is such that we must ensure this never again happens in Canada. We can only hope that this is the case, although there is no indication from either Mr. Chrétien or Mr. Martin that we should expect this.

Hot on the heels of the helicopter cancellation came the December 3, 1993 cancellation of the agreement to redevelop Pearson airport. Honourable senators, you will recall that this was a proposal which involved the investment of \$750 million in private-sector funds over the life of the project, creating thousands of jobs and offering a reasonable rate of return to the developers. The Pearson airport deal was cancelled on the strength of a hastily cobbled together and totally discredited report written by former Ontario Liberal leader Robert Nixon, a slam dunk if there ever was one.

Based on sworn testimony, the special Senate committee stated that the Nixon report was riddled with false allegations and innuendo. It is interesting to note that less than one month into government a pattern was starting to develop that would establish a lasting legacy of waste and mismanagement.

An interesting footnote to the sorry Pearson airport fiasco is that the government at first tried to deny access to the courts to the wronged parties. They then claimed that the contract was too rich and the developers would make too much money. They then reversed their position once in court when they offered up the defence that the developers would have lost money.

Another example on a long list of questionable decisions by the Chrétien-Martin government was related to the Unemployment Insurance account and the raid on the wallets of Canadian workers. The fund reached such ridiculous proportions that the government was forced to amend the law because no reasonable person could possibly conclude that the staggering amount supposedly being kept in the account was in keeping with the intent of the act. Prior to Paul Martin's arrival on the scene, no previous government had ever attempted — nor would they ever attempt — to turn EI premiums into general tax revenue to pay for other programs. By the end of this fiscal year, the Chrétien-Martin government will have overcharged contributors by a total of \$45 billion — and they have blatantly siphoned off this money for other programs. There is only one way to describe this money grab. It is, honourable senators, a new form of taxation.

Was this tax grab mentioned in the now infamous 1993 Liberal Red Book, "Creating Opportunity"? No. I would say that "Creating Opportunity" relates to creating opportunities for themselves. As for the title, the "Red Book," it should be called the red-faced book. Of course, this Liberal government is tough to embarrass.

The pork barrel was again rolled out in grand style in 1994 with a national infrastructure program, a Liberal dream approved by cabinet just hours after taking office in 1993. What a nightmare for Canadian taxpayers it was. So much money was involved with so little in the way of control that senior ministers were squabbling over who would be in charge. The Prime Minister turned it over to the Treasury Board. By 1995, nearly 7,000 projects had been accepted for handouts of \$1.8 billion.

The Hon. the Speaker *pro tempore*: Honourable senators, it is 6 p.m. Is it agreed that the Chair not see the clock?

Hon. Senators: Agreed.

Senator LeBreton: Had the money gone toward the Red Book definition of infrastructure, namely, transportation and communications links, and water and sewer systems, all might have been well. Unfortunately, the meaning of infrastructure was liberally massaged to include "any physical capital assets in Canada instrumental in the provision of public service." If honourable senators can figure out what that means, then you are more adept than I am at figuring out bureaucratic language. It was a rubric that appeared to encompass any project located in Liberal-held ridings. This new definition was used in the Prime Minister's riding for a \$200,000 lighted fountain, as well as a \$500,000 Canadian Canoe Hall of Fame. The Canadian Construction Association estimated at the time that 20 per cent of the projects approved did not fit into traditional infrastructure categories, and that was considered by many in the field to be a low estimate. Others placed the number at closer to 40 per cent as not fitting the criteria.

• (1800)

Honourable senators, I move to another example of out-of-control waste of taxpayers' dollars. Let me take you back to 1995 and the words of the then Minister of Justice, who said:

Let us not contend that it will cost \$1.5 billion to put in place. That is the way to distort the discussion. That is the way to frighten people.

Is it not now interesting that Allan Rock's snide comment, over seven years ago, has unwittingly hit upon a fairly accurate estimate of the total ultimate costs of the financial fiasco better known as the Firearms Act? Having provided Parliament with a sketchy financial plan claiming the total net costs to the taxpayers of this program from start to finish would be \$2 million, we find ourselves today looking at a program that is 4,000 per cent over budget and still climbing, with no end in sight. Most certainly, it will easily surpass the \$1-billion mark. Many provincial governments recognized this boondoggle for what it was at an early stage and had the good sense to steer clear of this financial quagmire.

Let us be clear: The motive was political, as was recently pointed out in *The Globe and Mail*. The Firearms Act of the Chrétien/Martin Liberal government replaced tough firearms legislation already passed by Parliament under the previous Progressive Conservative government, which was beginning to take effect, as most experts will say. As *The Globe and Mail* article stated, the Red Book required a policy to show up Kim Campbell, and the Red Book's vague promise to "strengthen our gun control laws" translated itself into the law on gun registry.

Honourable senators, consider this shocking example. In the year 2000, the most recent year for which precise taxation data has been published, 14.7 million Canadians paid an average of \$5,782 in federal taxes on an average taxable income of \$41,751. To put this gun registry into perspective, 172,950 Canadian taxpayers paid their entire federal tax to this government only to have their hard-earned tax money go into a black hole called the gun registry. I repeat: 172,950 taxpayers. Think of it.

The stage was also set in 1995 for the headlines of today when the Chrétien/Martin government decided to dismantle Enforcement Services, a 40-person intelligence unit dedicated solely to the detection and investigation of GST fraud. While the members of this group, which included ex-police officers and criminal investigators, were reassigned to general audit duties, GST fraud expanded by leaps and bounds. A warning by the Auditor General in 1999 about the likely extent of fraud and the apparent ease with which it was committed went unheeded by a government careless about the consequences. Mr. Chrétien and Mr. Martin knew about the problem but turned a blind eye while fraud artists plied their trade. We will never know just how much revenue was lost, but it is becoming apparent as each day passes that the Chrétien/Martin team sent hundreds of millions of dollars to con artists in response to their request for phoney GST refunds. Some estimates have placed the total losses in the range of \$1 billion — there we go again — a figure the government has dismissed but has not been able to refute. I remind honourable senators that the government underestimated the costs of the gun registry by 4,000 per cent.

In 1996, the \$300-million Transitional Jobs Fund was initiated supposedly to stimulate job creation in regions with unemployment rates greater than 12 per cent. Although it was announced as a temporary program, it was renamed the Canada Jobs Fund in 1999 and given an additional \$110 million annually. It was turned into a permanent cash cow that was used to pump money into Liberal ridings, particularly the ridings of Liberal ministers. It will come as no surprise that the Prime Minister's riding, admittedly a riding with fairly high unemployment, was a significant beneficiary of this Transitional Jobs Fund largesse, nor will it come as a surprise that 75 per cent of the \$7 million for his riding arrived in the hands of the grateful recipients just prior to the 1997 election.

Of course, that was relatively "small potatoes" in Liberal terms when it turned out that the mismanagement of the job grants program was such that an audit in the year 2000 showed, among other things, that 87 per cent of the projects did not show any evidence of supervision and that cash flow projections were missing from 72 per cent of the files. The media labeled this affair "shovelgate" after various attempts had been made by the Chrétien/Martin Liberals to either obscure the initial audit results

or discredit them. A more detailed audit later resulted in 19 police investigations, all of which fell outside the original 459 files that were audited. The revelation that the HRDC would receive a 29 per cent increase in money for grants and contributions for the fiscal year 2000, nearly \$1 billion more than the previous year, proved to be the last straw in terms of public opinion and the program thankfully came to an end on June 22, 2000.

While the more spectacular billion-dollar programs help to illustrate the size and scope of the legacy of waste and mismanagement being left in the wake of the Chrétien/Martin government, many Canadians, myself included, have difficulty envisioning \$1 billion. All they and we know is that these billions represent hundreds of millions of Canadian tax dollars being treated with contempt by this government.

As I said, \$1 billion is beyond the understanding of most Canadians. As Walter Robinson wrote in his column in the *Ottawa Sun* on Saturday, February 8, these numbers get thrown around so quickly and in such a cavalier manner that they lose their shock value. The Liberals love this, of course. They know we tune out numbers we cannot get our heads around. However, here are some examples that are easier to understand.

When the Chrétien/Martin government pays \$333,000 to sponsor a convention that never happens, I am sure Canadians realize the government has a management problem.

When the government pays \$549,990 for a report that is never produced —

Senator Tkachuk: Twice.

Senator LeBreton: — Canadians realize that the government has a management problem.

When the government spends \$101 million for new jets for the Prime Minister against the advice of officials and without tender, it knows that is wrong. This money could have bought 42 MRIs for our health care system.

When the government sends heating rebate cheques to prisoners and deceased people, few Canadians would fail to recognize that the government has a management problem.

When the government pays a 12 per cent commission to a company to transfer money from one government department to another, Canadians realize the government has a management problem.

Honourable senators, I have just scratched the surface of the magnitude of this legacy of waste, but it is clear that mismanagement has characterized this government from the outset.

When the Prime Minister embarked on his long goodbye, there was a considerable amount of speculation as to what he would do in his final year and a half to secure his legacy. Little did he realize that the dye had been cast in the minds of Canadians. Judging by the evidence so far, it is a legacy he will have no difficulty fulfilling; and, until last year, Mr. Martin was with him every step of the way and has been virtually silent ever since.

Senator Kinsella: Well spoken.

On motion of Senator Robichaud, for Senator Bryden, debate adjourned.

• (1810)

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO STUDY DEVELOPMENT AND MARKETING OF VALUE-ADDED AGRICULTURAL, AGRI-FOOD AND FOREST PRODUCTS

Hon. Donald H. Oliver, pursuant to notice of February 6, 2003, moved:

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine issues related to the development and domestic and international marketing of value-added agricultural, agri-food and forest products; and

That the Committee submit its final report no later than June 30, 2004.

He said: Honourable senators, in moving the motion, I will give you some background information to explain why this particular study is being undertaken.

Six pages of the Senate Agriculture Committee report, "Canadian Farmers at Risk," were devoted to value-added agriculture. The committee recommended that:

The government develop a comprehensive strategy that encompasses tax incentives as well as direct federal government funding and expertise to enhance the development of value-added industries, including farmer-owned initiatives, in rural Canada.

The report also states:

The Committee thinks, however, that farmers themselves must look at entering the value-added business to capture a larger share of the food price.

During our hearings in the previous session, the president of the Agricultural Producers Association of Saskatchewan clearly stated:

As the primary producers we realize that the money is in food processing and added-value.

The order of reference would permit the committee to examine very specific products, such as wine, grapes, cheese, milk, potatoes, pasta, wheat, and many other products. This is why the committee, after it completes its study on climate change and adaptation that is required in both agriculture and forestry, would like to undertake this study.

[Translation]

MOTION IN AMENDMENT

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I only made one comment regarding the dates on which the committee should table its report. Other committees have changed their dates. They may table their reports at the end of May so that tabling is done during a Senate sitting. At the end of June, usually there is Saint-Jean-Baptiste Day and by then the Senate has already adjourned for the summer. If the committee chair sees no problem in changing the date of the report and putting down May 31, 2004, I will not object to adopting the motion now.

[English]

Senator Oliver: I agree. That is an excellent suggestion.

The Hon. the Speaker *pro tempore*: Is it agreed that the motion be amended to delete "June 2004" and that we substitute "May 31, 2004"?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: Is the motion, as amended, agreed to?

Hon. Senators: Agreed.

Motion agreed to, as amended.

The Senate adjourned until Wednesday, February 12, 2003, at 1:30 p.m.

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Wednesday, February 12, 2003



THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Wednesday, February 12, 2003

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

HERITAGE

STUDENT EXCHANGE PROGRAM

Hon. Laurier L. LaPierre: Honourable senators, about 2,000 kilometres north of this chamber is the seaside community of Kimmirut. It is one of the smallest, most remote communities in our vast country. It might very well be on the moon, for many Canadians. It certainly is as different a face of Canada as one can find.

While stone carving and ecotourism may be replacing hunting and fishing as a living for many residents, the 50 or so houses face the sea rather than the street. There is a year-round show of the northern lights rather than the traffic lights and billboards with which we are more familiar. It is a true northern experience.

This is exactly what a group of grade 9 and 10 exchange students from St. George's High School in Montreal got when they visited this small community. They took the three-hour flight to Iqaluit and then the 200-kilometre flight to Kimmirut, to reunite with 20 friends that they had made a few months before in Montreal.

The entire community of Kimmirut was eager to welcome the southerners — imagine calling Montrealers "southerners." The community was keen to share stories and traditional meals of caribou. The warmth and friendliness of the people stood in stark contrast to the cold harsh climate.

For too many locals, the rare exposure to southerners has been tainted by the unpleasant experience of being labelled an Eskimo or worse, but these young Montrealers were different. They were friends who had opened their homes to the young people of Kimmirut, city dwellers who had introduced the young Kimmirut to Laser Quest, botanical gardens, subways and the convenience of massive shopping malls. Together, the young friends visited Canada's capital and sat in both chambers of our Parliament.

Honourable senators, these exchanges are important to Canada. They give young Canadians the opportunity to experience Canada from a different perspective than their own. They inspire youth to appreciate respect and embrace Canada's incredible diversity. Exchanges like these also reach beyond the participants. They touch the families who act as exchange hosts.

[Translation]

The students of St. George's High School had already been learning about the vast expanses of the Far North, its lack of roads and its ongoing social problems.

This exchange allowed them to learn far more. They discovered that Inuit youth were not unlike themselves in their concerns, their desire for independence, their search for identity, their worries about the future.

They were able to hear new ideas about sharing natural resources and the land.

[English]

Honourable senators, Exchanges Canada is bringing Canadians together, one from Kimmirut and one from Montreal at a time, 15,000 students each year. Exchanges Canada is strengthening our national fabric and building a Canada for one and for all. With the help and support of honourable senators, Exchanges Canada can do more to create the most marvellous country on the planet. Vive le Canada!

NATIONAL DEFENCE

GRANT TO FEDERATION OF MILITARY AND UNITED SERVICES INSTITUTES OF CANADA

Hon. J. Michael Forrestall: Honourable senators, this year, for some reason, the Federation of Military and United Service Institutes of Canada, FMUSIC, has been singled out by the Department of National Defence and not given its annual grant of \$24,000. The Conference of Defence Associations received their \$75,000, and the Canadian Institute of International Affairs will receive \$40,000. Other Canadian associations representing Canada in international affairs areas will be given their grants.

The Leader of the Government in the Senate will know that this is not a large amount of money for the government, but she will appreciate that it is an extraordinarily large sum to the organization. The amount of \$24,000 represents the annual operating budget of FMUSIC.

I do not know why this has happened, but in drawing the matter to the attention of honourable senators, I wonder if the Leader of the Government might revisit it.

It was the government that instituted the program to begin with. They were given entitlement to a draft and support in 1938, by Order in Council PC-19/1298. This was reaffirmed by Canadian Forces administration order CFAO-210-42.

• (1340)

Now, as I have said, for some inexplicable reason, the Treasury Board guidelines prevent DND from renewing the federation's annual grant of \$24,000, a grant that, I suggest, was authorized and has continued since 1938.

FOREIGN AFFAIRS

[Translation]

UNITED STATES—
SUPPORT IN THE CAUSE OF FREEDOM

Hon. Gerry St. Germain: Honourable senators, more than 225 years ago, a small group of men and women ventured into uncharted waters in search of freedom. They landed on the shores of barren, untamed land with nothing more than their hopes, dreams, boundless courage and their unwavering faith in the goodness of ordinary men and women. The extent of their sacrifice was matched only by the depth of their commitment to freedom's purpose. They founded a new nation committed entirely to that purpose, a nation constituted with the self-evident truth that all men are created equal, that they are endowed by their creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness. That nation went on to become the land of the free and the home of the brave.

A beacon has shone from America's shores for centuries since, lighting the way for millions who followed in search of their own hopes and dreams. The brave and bold of that land have ventured back out into the world ever since. They have selflessly made safe mankind's passage from the darkness of oppression and tyranny into the sunlight of opportunity, respect and equality.

We Canadians are unique in our privilege of calling America our neighbour, our best friend and our largest trading partner. Too often, though, we have taken for granted that which we should truly cherish. We often fail to admit that the shape and substance of our free society were forged first in the land to our south, where liberty was born. We forget, too, that each time when our brave ventured forth to defend freedom's purpose around the world, beside us stood our American friends, ready to defend and protect us.

Americans have always stood vigilant, not only on their own shores but also in far away lands, as the protectors of freedom and human rights. Their call to arms has always been our first warning of a threat to those ideals we share in common.

Now, in the face of glaring threats, manifest in the form of terrorism's deadliest promise and tyranny's iron fist, America is sounding an alarm and issuing a call to action. While our friends and neighbours do not shy from acting alone in defence of mankind's liberty, they, today, extend a hand to their friends and traditional allies, people whose security has been guaranteed by America's pledge, time and again. They have stood with us to defeat evil, before. Without them, the cause of freedom would have been a hopeless struggle.

We Canadians must beckon the call, heed the warning and rise to the challenge. Our American friends have called. It is time to honour their purpose with our willingness to defend freedom's cause.

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, before proceeding with Routine Proceedings, I should like to draw your attention to the presence, in our gallery, of our former colleague, the Honourable Orville Phillips.

Welcome.

BUDGET SPEECH

ACCOMMODATION OF SENATORS
IN COMMONS GALLERY

The Hon. the Speaker: Honourable senators, I remind you that the budget speech will be delivered in the other place at 4 p.m., on Tuesday, February 18, 2003.

As has been the practice in the past, senators will be seated in the section of the gallery reserved for the Senate, in the House of Commons, on a first come, first served basis.

The space being limited, this is the only way to guarantee accommodation for those senators wishing to attend. Unfortunately, no guests of senators can be accommodated.

ROUTINE PROCEEDINGS

BUSINESS OF THE SENATE

NOTICE OF MOTION TO AUTHORIZE COMMITTEES TO
MEET DURING ADJOURNMENT OF SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate, I give notice that, later this day, I will move, pursuant to rule 95(3):

That, during the period of February 14 to 24, 2003, the committees of the Senate be authorized to meet even though the Senate may then be adjourned for a period exceeding a week.

[English]

The Hon. the Speaker: Is leave granted, honourable senators?

Senator Forrestall: No! Some notice must be given.

The Hon. the Speaker: That is correct. I was taking this as notice.

[Translation]

Senator Robichaud: Honourable senators, I hereby give notice that, tomorrow, I shall move the motion I have just read.

[English]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

VISIT TO EUROPEAN AND DANISH PARLIAMENTS,
NOVEMBER 25-29, 2002—REPORT TABLED

Hon. Consiglio Di Nino: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-Europe Parliamentary Association, concerning a visit to the European Parliament and the Danish Parliament from November 25 to 29, 2002.

QUESTION PERIOD

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

LETTER ON EXPENDITURE GUIDELINES TO COMMITTEE CHAIRS—EFFECT ON TRAVEL PLANS OF NATIONAL SECURITY AND DEFENCE COMMITTEE

Hon. J. Michael Forrestall: Honourable senators, my question is for the distinguished Chair of the Standing Committee on Internal Economy, Budgets and Administration. I have recently seen the letter that the chair circulated on February 6 to committee chairs, which involves, in my judgment, the micromanagement of the work of committees, to the extent that they will soon become totally ineffective. In that regard, I have a couple of questions that I should like to put to her.

What committee chairs did she consult before preparing the guidelines and issuing the memo?

[Translation]

Hon. Lise Bacon: Honourable senators, I have met with the chairs of each committee concerning budgets for the period between now and April 1. Each of them has indicated to us which areas held greater or lesser priority for them. Discussions were held and I presented my report to the Standing Committee on Internal Economy and, thereafter, to the Senate.

[English]

Senator Forrestall: Honourable senators, as a result of prorogation last year, Senate committees were pretty well inactive all fall. There should be a surplus of funds.

• (1350)

I note the chair is shaking her head in the negative. I thought those funds would not lapse until the end of the fiscal year. That is the period for which they were granted.

Assuming that is correct, and subject to further enlightenment to the contrary, why is Internal Economy hindering the work of the committees by restricting access to those funds? Why is that happening? Can she tell us what happened to those funds if they are not there?

[Translation]

Senator Bacon: Honourable senators, that is assuming there is a surplus of funds. The numbers change from day to day and, as far as I know, no committee was short of funds to carry out its work or to travel as planned.

For some committees, there will be a shortage of funds for travel or work and some of these trips and the work will be funded. Furthermore, a report will be tabled in the Senate tomorrow, which will then be tabled with the Standing Committee on Internal Economy, Budgets and Administration.

[English]

Senator Forrestall: I appreciate the response. However, I fail to understand why something that took place last year, within the

current fiscal year, fluctuates daily, and that the honourable senator has indicated that she will have figures tomorrow. I will wait until tomorrow, when we will all go home for a week or so, to find out the answer.

Honourable senators, I ask this question because the Standing Senate Committee on National Security and Defence is about ready to go to the United States to meet with the appropriate government officials there to discuss matters on homeland security, among other matters. We have been holding meetings and attending briefings in preparation for this work, work that, I think, is relatively important.

As an aside, I have no way of knowing whether or not the United States will be at war as at the first of next week. If there is any credence to the requirement of parliamentary approval for Canadian involvement in that war, it will make matters somewhat more difficult if half of Parliament is not here.

As to the committee, we need to take staff. We need to take the full committee. The full committee participated in the briefings and the hearings leading up to this trip. Taking our professional staff would enable us to be prepared, on an hour-by-hour basis, to deal with the important people we wish to see.

If the chairman replies tomorrow that there is a surplus, would she give some reconsideration to allowing the committee to travel in full to the United States for this very important, at this time, committee meeting?

[Translation]

Senator Bacon: Honourable senators, as far as I know, all of the committees are being treated equally. We cannot make exceptions and favour one committee over another. Committee chairs often believe that their committee is the most important, but the fact of the matter is that all committees need funds.

An amount of money is available and, even though each committee chair may want to access all of that money, it will be distributed very carefully to allow each committee to do its work. We cannot allocate the entire budget to one specific committee.

[English]

Senator Forrestall: A final supplementary. My understanding is that the Internal Economy Committee has directed that these surplus funds be spent on typewriters, computers, whatever else it is the staff feel that they need. I notice the government deputy house leader shaking his head in the negative.

I direct this final supplementary to the Leader of the Government in the Senate. If the money were available, would the leader use her good offices and ask the Chair of the Standing Committee on Internal Economy, Budgets and Administration, to reconsider the very rigid position she has put in place?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I wish to express my deepest confidence in the honourable senator who chairs the Standing Committee on Internal Economy, Budgets and Administration. I will not, in any way, interfere with the decisions of that committee, because I know that the committee as a whole is doing their very best to manage the funds wisely and to share it equally among the committees, all of which have excellent work to do on behalf of this chamber.

JUSTICE

DIVORCE LEGISLATION—EXPENDITURES ON ADVERTISING AND TRAINING

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. It deals with Bill C-22.

In that bill, the Government of Canada plans to amend the current family justice system to make it user-friendlier, and to ensure that the rights of children are placed at the forefront of family conflicts. While this is a commendable goal, the government still manages to find ways to waste money.

I refer specifically to the article in the *National Post* of December 12, 2002. The headline reads, "Lawyers cash in on changes to divorce law, critics say: More spent on ads, research, training than counselling." The article states, in part:

The federal government is quietly spending almost twice as much money on advertising, research and training lawyers about the new divorce laws than it will put toward new funding for counselling and mediation for separating parents."

Could the honourable leader please explain to this chamber whether that is an accurate report and whether that is where the money is being spent?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, there is no question that money is being spent to train those who work within the legal system in order to ensure that the counselling and mediation takes place in an appropriate fashion.

Senator Oliver: Honourable senators, as I understand it, \$48 million — not \$1 million — \$48 million is being spent under this proposal to educate lawyers about word changes in the act; such as "custody and access," and a word like "parenting orders." Is that a good use of \$48 million?

Senator Carstairs: Honourable senators, I cannot give the honourable senator the assurance that the figure is less than \$48 million or indeed more, since I do not know. I will try to obtain that for the honourable senator.

However, I do note that it is important that, as we move to a system that I hope will be much more child-focused and child-centred, and where parents will be expected to accept their responsibilities to those they bring into this world, if we can make that system work effectively, it will be worth the money.

[Translation]

NATIONAL DEFENCE

POSSIBLE WAR WITH IRAQ— COMMONS OPPOSITION MOTION TO SEND TROOPS

Hon. Pierre Claude Nolin: Honourable senators, my question is for the Leader of the Government in the Senate. Yesterday, a majority of members in the other place voted against a Bloc Québécois motion, which read as follows:

That this House consider the sending of troops to Iraq by the government only after the United Nations Security Council has passed a resolution explicitly authorizing a military intervention in Iraq.

• (1400)

My question is simple. Would the minister have supported this type of motion if she were in the other place, or if this motion were moved here in the Senate?

[English]

Hon. Sharon Carstairs (Leader of the Government): This is a highly hypothetical question, since I am not in the other place and never intend to sit there.

[Translation]

Senator Nolin: I also asked you the following question: If this motion had been moved in this house, what would have been your answer?

[English]

Senator Carstairs: If the motion had been tabled in this house and on a day when another motion from the other opposition party, namely, the Alliance, had also been tabled, both of which were trying to hamstring and tie up the government prior to the report of Dr. Blix, I would have voted exactly as the vast majority of the Liberal members voted yesterday.

[Translation]

THE SENATE

DEBATE ON POSSIBLE WAR WITH IRAQ

Hon. Pierre Claude Nolin: Honourable senators, I understand that the answer of the Leader of the Government would have been no.

Since the deployment of Canadian Forces units in a possible conflict in Iraq could have serious consequences for the security of Canada, our soldiers and the population, can the Leader of the Government in the Senate commit to allowing both houses of Parliament to debate this important issue and vote on Canada's participation in this conflict, as we did in 1991, before Canada officially declares war on Iraq?

[English]

Hon. Sharon Carstairs (Leader of the Government): As the Prime Minister has indicated in the other place, and I can indicate in this place, we have no difficulty with any debate taking place with respect to sending troops. However, it would be after the fact because the actual decision is an executive decision.

FOREIGN AFFAIRS

POSSIBLE WAR WITH IRAQ—GOVERNMENT POSITION

Hon. Gerry St. Germain: Honourable senators, my question is on the same subject. Yesterday, I posed a question about the deployment of people or troops. The Leader of the Government said they were only 25 in number and that they were not troops. Apparently, Defence Minister John McCallum is quoted as saying that although the Canadian operation has moved to Qatar, the function has not changed at all. It is a change of time zones, not a change in policy. He underlined that Canadians are there solely and uniquely for Operation Enduring Freedom, the war against terrorism in Afghanistan, which the honourable senator pointed out yesterday. There is absolutely no commitment to Iraq at this time.

Then the Prime Minister pointed out that the planning groups have been transferred closer to the action and to the soldiers who are there. He went on to say they felt it was important that we still be part of the planning there.

If we are putting personnel in harm's way to any degree, and if there is a threat of war, which I am sure no one will deny, why is the government waffling instead of making a commitment to the U.S. and to the other allies that have committed to going there? Why are we playing the game of making people believe we are not there, and yet we are there? Where are we?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I would hope no game is being played by anyone at this time. The situation is far too serious to be any kind of a game.

The planning group of Operation Enduring Freedom was based in Tampa, Florida. It has now moved to Qatar. The Canadian government made the decision that they wished that group to be there if the war on terrorism took on a different aspect. It is important for them to be part of that planning. However, the position of the government remains absolutely the same, namely, to work with the United Nations, to follow the United Nations and to obey resolution 1441, which we supported.

Senator St. Germain: Honourable senators, the minister does not want to say that the group is comprised of troops. They are personnel that have been deployed to that region and placed in harm's way as part of the planning process. Whether or not they are there for Operation Enduring Freedom, they are in the danger zone. For the sake of the morale of the troops, so they know the government's position, is she saying that they will not go into action unless the UN sanctions action in spite of the fact that the United States and other allies see fit to go in? Which is it? Is it one or the other?

Senator Carstairs: Honourable senators, first, geographically, Qatar is not Kuwait and Kuwait is not Iraq. At this time, the American troops are primarily in Kuwait. The 25 planning group members are in Qatar. We are talking about geographically

different areas, although I will agree they are in the same general region. The Persian Gulf is also in the same general region, and we have had ships there for some time, as we have also had ships in the Arabian Sea as part of the operation that has been titled Enduring Freedom.

The position of the government is very clear. We are part of a multilateral process called the United Nations. We are proud to be part of that process and we will continue to be part of that process.

POSSIBLE WAR WITH IRAQ—EMBASSY REPORTS ON WEAPONS OF MASS DESTRUCTION

Hon. David Tkachuk: Honourable senators, we heard the Leader of the Government say a number of times, on this very issue, that the government is waiting for the report of the UN inspectors before making a decision on what our policy will be toward Iraq. What are the Canadian embassies in the Middle East reporting to cabinet as to weapons of mass destruction in Iraq?

Hon. Sharon Carstairs (Leader of the Government): As the honourable senator knows, if the embassies were reporting to cabinet, I would not be at liberty to tell him what they were reporting.

With respect to the question about United Nations inspectors, the entire Security Council of the United Nations, as well as the member states of the United Nations, are all waiting for the report of Dr. Blix on February 14. We are certainly not alone in that regard.

Senator Tkachuk: To put it in another way, honourable senators, if the Canadian embassies in the Middle East, particularly Israel, believe that there are weapons of mass destruction in Iraq, who will the government believe, Hans Blix or the embassies?

Senator Carstairs: Honourable senators, we are again talking about a hypothetical question, but I have confidence in Dr. Blix and his inspectors to report accurately. As they are on site in Iraq, I would respectfully submit that they have better first-hand knowledge of what is available in Iraq than anyone else.

POSSIBLE WAR WITH IRAQ—DIPLOMATIC EFFORTS OF HOLY SEE

Hon. Douglas Roche: Honourable senators, my question is to the minister on this same issue. Has the government noted the Holy See action of sending an envoy of the Pope to Iraq to get Iraq to comply with resolution 1441 in an effort to avoid a war on deep humanitarian grounds? Is the Canadian government seeking, in any way, to help this dialogue between the Holy See and Iraq?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, frankly, the Holy See has its own diplomatic channels and does not need any help from the Government of Canada to make those channels happen. However, we welcome the representations of the Holy See. Anything that can help us avoid war is a welcome intervention. Canada has made itself quite clear on this matter. One can only assume that both the United States and those that are now considered to be the allies of the United States and, indeed, Iraq are equally aware of the position of the Canadian government.

POSSIBLE WAR WITH IRAQ—POSITION OF
ATTENDEES AT TOWN HALL MEETING
ON FOREIGN POLICY REVIEW

Hon. Douglas Roche: Honourable senators, last Friday I attended a town hall meeting in Winnipeg organized by the Minister of Foreign Affairs, Bill Graham. It was the opening of the foreign policy review, and the subject of Iraq loomed large, of course. Did the minister note that every speaker from the audience at that meeting spoke from a position opposing Canada's participation in a war in Iraq?

• (1410)

Hon. Sharon Carstairs (Leader of the Government): Honourable senator, that is your characterization. My understanding, from conversations with people who were there, is that the position was that they wanted Canada to be part of the UN process.

MIDDLE EAST—INTRODUCTION
OF WEAPONS OF MASS DESTRUCTION

Hon. Marcel Prud'homme: Honourable senators, Senator Tkachuk asked the leader a question about what is going on in Israel. I know he is very knowledgeable. He just visited there with a group of parliamentarians. However, I think he has been ill-informed about those who have arms of mass destruction. Is it not a fact that the first people who introduced arms of mass destruction in the Middle East were Israelis? Thanks to the French, thanks to Mr. Peres and thanks to a gift to Mr. Ben-Gurion in the old days, they first introduced arms of mass destruction that gave the taste of what was to come to all their neighbours.

To have a complete picture of the situation in the Middle East, it would be good to know who introduced arms of mass destruction and who still refuses to sign the non-proliferation treaty. The only country in the entire region that refuses to sign the non-proliferation treaty is the state of Israel. The honourable senator should know that, having just come back from there.

Every time I ask that question of the Canada-Israel Committee, they do not deny it; they just refuse to answer.

Perhaps with the honourable senator's knowledge, he could inform us and make us more brilliant by telling us who first introduced the arms of mass destruction that led to this arms race in the Middle East.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I can tell the honourable senator that the position of the Canadian government has always been to be fully supportive of the non-proliferation treaty.

JUSTICE

MAINTENANCE OF ESTABLISHED
LINGUISTIC RIGHTS—CONFORMITY
WITH FEDERAL COURT DECISION

Hon. Jean-Robert Gauthier: Honourable senators, I have a question for the Leader of the Government in the Senate. It deals with the Contraventions Act. She will be aware of the subject.

[Translation]

Honourable senators, when the federal government reaches agreements with the provinces on the administration of justice on federal lands, the government is required, under the Official Languages Act, to notify the provinces or third parties that they must offer their services to the public in Canada's two official languages.

The minister will recall that, in a decision handed down on March 23, 2001, Mr. Justice Blais of the Federal Court had declared that the government had not complied with section 25 of the Official Languages Act and that, consequently, it had to renegotiate this agreement with the Province of Ontario. The federal government had one year, until March 23, 2002, to correct this agreement.

At the request of the Minister of Justice, Mr. Justice Blais had granted an additional year to allow the federal government to take language rights into account. The new deadline is March 23, 2003.

Can the minister check with the Department of Justice and tell us whether the federal government has reached an acceptable and legal agreement with Ontario on the matter of offences committed on federal lands, in order to comply with the Criminal Code and the Official Languages Act?

[English]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I can only assume that they have not come to such an agreement, since there has been no public information about such an agreement. Normally, that is the way in which the government would announce such an agreement. However, as the honourable senator has noted, they have until March 23, 2003. I am certainly hopeful that they will have reached that agreement by that date.

THE SENATE

POSSIBLE WAR WITH IRAQ—RECALL OF
SENATORS DURING ADJOURNMENT

Hon. Laurier L. LaPierre: Honourable senators, to the Leader of the Government, I am sorry that I did not send notice of this question, but I just thought of it several moments ago.

As I am an unlearned senator, maybe the Leader of the Government would be so kind as to teach me. If we do not sit next week, the week after, or the first two weeks of March, and should war be declared, will the Senate be recalled? I know it is an executive matter, but will the Senate be recalled?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, our intention is to not sit next week only, as we have very little government business at the present time before us. However, we will have government business the second week. It is our intention to sit at that time.

FOREIGN AFFAIRS

NORTHERN IRELAND—EFFORTS TO FACILITATE RETURN TO LOCAL GOVERNMENT

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. Turning to a different theatre of the world, namely Northern Ireland, could the minister share with the house what the Government of Canada is doing to facilitate the return of local government to Northern Ireland. In particular, might this be an ideal opportunity for the Government of Canada to take leadership on a very important international file by contacting, at least locally, the High Commissioner for the United Kingdom and the ambassador of Eire, and finding out whether there are practical ways, when the focus of so many of the powers around the world is away from that theatre in which Canada might be able to facilitate a breakthrough in the resolution of the problem there?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the Honourable Deputy Leader of the Opposition for that question. As I am sure he is well aware, the issue of Northern Ireland has not been lately as hot an issue as others have been, but I think he makes a very positive and interesting suggestion. I will certainly make sure that the Foreign Affairs Minister is aware that there is interest in trying to solve the problem, if we can help do so.

THE SENATE

ACTIVITY OF COMMITTEES DURING ADJOURNMENT

Hon. Pat Carney: Honourable senators, I want to ask my colleague the Leader of the Government in the Senate about the Senate not sitting next week. It is my understanding that several committees are meeting. For instance, the Foreign Affairs Committee is meeting in Vancouver, Calgary and Winnipeg next week. Would she like to clarify, for the record, exactly what the Senate is doing next week?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, we tried to pass a motion earlier to give committees permission to sit. We tried to do that without notice and we were denied that opportunity. That motion will come before the Senate tomorrow. However, it is my understanding that the Foreign Affairs Committee, because it is travelling on their special study, would like to sit next week. The Defence and Security Committee, the Rules and Procedures Committee, the Energy Committee and the Aboriginal Committee have all indicated that they would like to sit. There will be five committees sitting.

We will try to schedule the committees in order to facilitate senators who are attending more than one committee. Committees could sit one after another so that we can maximize the value of senators' time.

Hon. Terry Stratton: Honourable senators, I would like to point out to Senator Milne that I sit on Aboriginal and Rules. Perhaps we can space them.

CUSTOMS AND REVENUE AGENCY

NATIONAL CHILD TAX BENEFIT— CLAWBACKS TO RECIPIENTS

Hon. Terry Stratton: My question is for the Leader of the Government in the Senate. I know she may have come across this question before.

With the budget about to come down, there is speculation about the National Child Tax Benefit supplement. Perhaps the minister would take my questions as notice and take time to look at the inequities involved.

One of the problems with the current system of refundable tax credits is that the clawbacks that accompany them can lead to lower income Canadians having the highest tax rates in the country. As a Manitoba minister, the government leader is no doubt concerned about the level of taxes that Manitobans pay.

Could the government leader confirm that, under the system of child benefits as currently structured, a Manitoba family with three children and an income of \$29,000 would lose the following to taxes and clawbacks if the breadwinner tries to earn an extra \$1,000 working weekends or overtime? On that \$1,000, the federal taxes would be \$160; Manitoba tax on taxable income, \$109; clawback of the Manitoba family tax reduction, \$10; clawback of the GST credit, \$50; clawback of the National Child Benefit, \$321; CPP and EI net of tax credits, \$52. The total of the above is \$702, of which virtually all is federal tax and federal clawbacks.

• (1420)

Is it correct to say that a Manitoba family with three children and an income of \$29,000 faces an effective marginal tax rate of 70 per cent above that?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, that is an extraordinarily detailed question. I am sure the honourable senator knows I cannot answer it since I do not have the figures before me. However, it does seem like an extraordinary tax rate to me, given that it is greater than the maximum tax rate. I will certainly look into the matter.

I must say that my greater concern about the National Child Benefit is that welfare families, who are among the poorest in this nation, are having that National Child Tax Benefit literally clawed back by the provincial governments. In its last budget, the Manitoba government went some way towards eliminating the younger children from that clawback, and I understand that it hopes to go further this year. However, other provinces are clawing it all back. Since these are among the poorest of our poor in this nation, I think that is a great tragedy.

ORDERS OF THE DAY

NUCLEAR SAFETY AND CONTROL ACT

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Morin, seconded by the Honourable Senator Gauthier, for the third reading of Bill C-4, to amend the Nuclear Safety and Control Act.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, while I do not quarrel with the immediate intent of this bill, I am not convinced of its not being interpreted at a later date in a manner different from that intent. I will give some background to this.

Briefly, a company by the name of Bruce Power has leased from an agency of the Ontario government, public owned nuclear power plants located in the Bruce Peninsula. The Nuclear Safety and Control Act presently makes anyone with any interest of any sort in a nuclear facility liable for any contamination traced to that facility. Private lenders are naturally refusing to commit funds under such conditions, and the amendment before us removes from such liability anyone but an owner or a party having control or management of a nuclear facility.

While no witness could explain why an arm's length lender liability was written into the act in 1997, I can only assume that since, at the time, all existing nuclear power generating plants were owned directly or indirectly by governments and financed with public funds, it was only normal that the owner and the backer be liable as they were, in reality, one and the same.

Now, as Ontario, or to be more precise, Ontario Power Generation, remains owner of the Bruce facilities, its liability is not affected by the amendment. Had OPG sold rather than leased its facilities, it is not clear to me and to others if the amendment would have removed its present liability. The question is more than an academic one, as the original majority shareholder of Bruce Power, British Energy, is in serious financial difficulties, and Bruce Power's lease and licensee commitments are being honoured largely because of guarantees to British Energy from the British government, which we were told run out at the end of this week.

British Energy is selling its share in Bruce Power mainly to TransCanada PipeLines and Cameco, which are anxious to have Parliament confirm the amendment to allow Bruce Power to engage in major private financing without which they will naturally reconsider their commitment to Bruce Power.

While I am sympathetic to the original intent of the amendment, I regret that no clear answer was given to a fundamental question: Does the sale of a nuclear facility exempt the seller from any continuing liability in case of contamination? This is an area that I hope can be examined thoroughly. Too often, in the case of catastrophes traced to human error, the

financial responsibility for them is shirked by clever legal manoeuvrings that can last for years, while innocent victims are left alone to suffer their dreadful consequences.

The present article we are asked to amend could not be clearer, and it is important that no interpretation be given to the amendment other than the one that brought it before Parliament.

I want to end by putting on the record the overly aggressive, to put it politely, pressure put on a number of us to have this bill passed, preferably without hearings, and even better, blindly, in one day. Persons claiming to represent the party most interested in passage of the amendment did not hesitate to malign members of the opposition leadership by more than suggesting that it was deliberately obstructing approval of the amendment. If anything, these people made nuisances of themselves to the extent that, had it not been for putting responsibility ahead of personal feelings, some of us would have seriously considered indefinitely delaying the debate on this bill.

The amendment was first before the House of Commons in May of last year. Following prorogation, it was reintroduced as Bill C-4 in early October and finally given third reading over there on December 10, the same day that the Senate gave it first reading. Although it took the other place some seven months to pass the amendment, the Senate was expected to give it automatic approval only a few hours after it was received here.

I will spare colleagues what was said and done by those promoting indecent passage except to say that it showed a gross disdain for the Senate as an essential and valuable contributor to the parliamentary process. This was not the first time that the Senate was expected to be nothing but a rubber stamp, and refusing to do so resulted in bad-mouthing misinterpretations and, in this last case, even outright falsehoods.

No government bill is unimportant and undeserving of careful study, whether it contains only a few words or goes on for hundreds of pages. Let those who feel otherwise know that the Senate of Canada is the last place they are welcome to promote such narrow and self-serving views.

The Hon. the Speaker: Is the house ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, while on my feet, I should like to draw your attention to the presence in our gallery of the Deputy Speaker of the lower house of the Parliament of Bermuda.

Welcome to the Senate.

Hon. Senators: Hear, hear!

LOUIS RIEL BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Chalifoux, seconded by the Honourable Senator Taylor, for the second reading of Bill S-9, to honour Louis Riel and the Metis People.—(*Honourable Senator St. Germain, P.C.*)

Hon. Gerry St. Germain: Honourable senators, I am pleased to have the opportunity to, once again, rise and speak on Bill S-9, a bill that would provide statutory recognition to an important body of people who, frankly, paved the way to achieving the Canada we know today. Those people are the Metis people, and Louis Riel brought about their contributions to our nation-building accomplishments.

Bill S-9 is different from its predecessor Bill S-35. There is no longer a call to vacate the sentence of Louis Riel. I believe that this is a cogent change in that, as I said when I previously spoke on the bill, I do not believe that Riel's fate should be diminished. Riel was and remains a hero to Metis Canadians, perhaps a martyr of sorts, and this status should not be altered.

Bill S-9 is not the first attempt to fully honour the Metis and Louis Riel. As stated, we had Bill S-35 in last session of Parliament, and there have been private members' bills and motions tabled in the other place. I do not mean to diminish the importance of these resolutions and motions, but unfortunately these devices can lose their momentum over time. I believe Bill S-9 attempts, without constraining the hands of the government and its country, to create a force of conviction that has a more-lasting momentum — the kind of momentum that leads to action in resolving issues of land rights, culture, and status or place in Canada's nation-building fabric.

• (1430)

Throughout the years, several questions have been put in the media and in this place about Riel and the Metis. To deal with these questions and resolve them in the interests of all Canadians, it is important to review what we know of the past and put it in today's reality.

C. Stuart's 1820s-era *The Emigrant's Guide to Upper Canada* may have left an impression on Sir John A. Macdonald when he arrived in the New World. It certainly reflected the sentiments and the thoughts held towards the Aboriginals by educated settlers, perhaps out of fear, but certainly out of ignorance. On Aboriginal peoples, the author said:

Here I proceed to complete the sketch of this interesting and unhappy people... They are orderly and somewhat industrious; blessings which they owe, under providence, to the zeal of the Roman Catholic Church, the general character of which I deplore...

They depart imperfectly from their native habits. Their total number is small. With some exceptions, they derive but little

benefit from the liberal reserves of the best lands, which the parental wisdom of the government has secured for them...

In their natural state, the most ferocious cruelty is equally congenial to them with the most attentive kindness.

Nor are their manners, notwithstanding this melancholy sketch of them, devoid of interesting particulars. They are still hardy...towards each other, they display the most spontaneous and kindly spirit of equity. When they receive a bit of bread or meat, or a little flour or milk, et cetera, it is carefully and attentively divided into proportionate shares before it is attempted to be used...

But still they are a degraded race, and seem rapidly sinking to extinction. In the course of another half century, no genuine trace of them will remain in our borders.

From the beginning, there was discussion about settling the West, for Americans were saying to the natives, "If you do not go there, we will squat you out."

The first Canadian parliamentary Throne Speech, written by Sir John A. Macdonald, promised uniform laws, an intercolonial railway and western territorial expansion. The government was to be a trustee for the public. The Throne Speech set out various measures for the amendment and assimilation of the laws then existing in the provinces, including "for the proper administration of Indian affairs."

After Confederation, we know that the new Dominion government was negotiating the purchase of Rupert's Land from the Hudson's Bay Company so that this land could be annexed.

The inhabitants of the large Red River Settlement area, the Indian and the Metis, were not opposed to joining Canada, but they wanted to do so on their own terms, maintaining their traditional way of life. Therefore, they formed a national council to protect their interests.

Honourable senators, we are all well aware of the ensuing history — where the Canadian Party attempted to seize power from the council; Riel's provisional government; Thomas Scott; the negotiations with Ottawa concerning the peaceful annexation of the Red River colony; the Manitoba Act; and the warrant to arrest Riel. What many did not know is that by 1885, the Metis truly feared that the Canadian government was threatening their way of life. As a Metis, I still fear them and, most likely, for good reason.

This should come as no surprise given Sir John A. Macdonald's long-held views of Indians and the Metis people, for in 1869, he said:

The French half-breeds at Red River are pertinaciously resolved to keep the North West a buffalo reserve forever.

Sir John A. was in no rush to deal with Indian affairs either. When he was controller of the Northwest Mounted Police, he kept postponing with men who wished to discuss police affairs

and the half-breed rebellion by saying "Come back tomorrow." This inspired Chief Crowfoot and Chief Poundmaker to give Sir John A. the nickname "Ap-e-naq-wis," meaning "old tomorrow."

Old Tomorrow waited too long to investigate the grievances of the Metis and the Indians in the Northwest Territories, so Riel came back from exile to lead them in rebellion. This rebellion hastened the construction of the CPR. The government certainly found the money to complete the railway and rushed troops to Manitoba to put down Riel's rebellion.

Captured and put on trial, the *Toronto News* said:

Strangle Riel with the French flag! That is the only use that that rag can have in this country.

After Riel's hanging, Sir Wilfrid Laurier wrote:

It cannot be said that Riel was hanged on account of his opinions. It is equally true that he was not executed for anything connected with the late rebellion. He was hanged for Scott's murder: that is the simple truth of it.

Undoubtedly, Professor George F.W. Stanley wrote the best summation of this period of Canada's history when he said:

Few characters in Canadian history have aroused such depth and bitterness of feeling as that of the Métis chieftain Louis 'David' Riel. The mere mention of his name bares those latent religious and racial animosities, which seem to lie so close to the surface of Canadian politics.

Despite the fact that he identified himself, not with the French Canadians of Quebec, but with the mixed blood population of the Western Plains, Louis Riel became, for a few years, the symbol of the national aspirations of French Canada and the storm centre of political Orangeism.

French-speaking Canadians elevated him to the pedestal of martyrdom; English-speaking Canadians damned him as a rebel... Sir John A. found himself between the upper and nether millstone of racial and religious conflict.

For promising an amnesty he was denounced in Ontario; for neglecting to proclaim it he was denounced in Quebec... There may have been excuses for Sir John A. in 1869; there could be none in 1885.

For the problem, which faced the Prime Minister, was the same one which had faced him earlier; the problem of conflicting cultures, of reconciling a small primitive population with a new complex civilization.

But Sir John A. had other things on his mind — he was building the Canadian Pacific Railway — and the Ministry of the Interior, Sir John's own ministry, starved the Indian services and failed to allay the fears and suspicions of the Métis, that they would lose their rights as original holders of the soil.

Many have said that the Macdonald administration made a tragic blunder in its handling of Louis Riel. Truly, it is doubtful whether Canada's Parliament and its Prime Minister ever really understood Riel or the nature of his grievances.

Today, there is a renewed resurgence in redefining who or what is Metis: their history, culture and homelands. The Metis people also want to celebrate their heroes and the virtues that allow them to persevere.

Liz Warwick, a young lady who works for the *Montreal Gazette*, wrote:

Heroes can teach us many things. Heroes inspire us. They show us how to hold on to our dreams. They show us how to use our talents to make the world a better place.

That was on November 25, 2002.

As Concordia University professor Graeme Decarie said:

We have an ideal to reach. There is a future and we can make it. That is why heroes are important.

• (1440)

Canadians do not always agree on who is a hero and who is not. The Orangemen called Louis Riel a traitor. We thought him a Father of Confederation. He established the Province of Manitoba and sought language rights guarantees for its peoples. He was hanged for insisting that government honour the commitments made to his people. The government no longer hangs the Metis and they are still not honouring the agreements, in many cases, with our native peoples.

Louis Riel inspired all Metis descendants to face adversity, live courageously and stay true. I agree with many others who have said that history should not be rewritten, and it should not be changed by legislation, but it should be remembered. We must have legislation to address the plight of our Aboriginals and correct the inequities of the treatment of the past. We must place them all on an equal footing with other Canadians.

As a B.C. university student said in a recent knowledge survey of Aboriginal history, culture and perspectives:

They gave us rich history, a diverse nation and a reminder of the mistakes that our government made at times and the devastating effects of that.

Honourable senators, Senator Chalifoux, other senators and I support Bill S-9. We are not trying to legislate wrongs back into rights. We are trying to inspire our people. We are not blaming any of you here. The liberal governments and the conservative governments know what they did right and they know what they did wrong.

If we are to solve the challenges that we have with our young Aboriginals and with our young Metis people, we need heroes. We need inspiration. We need ways to make decent people understand that they have to stay in school, that they have to be educated and that they have to become mobile.

Honourable senators, I plead with you to understand those of us who have lived with discrimination. We are not looking for fault but we are looking for solutions that will build a real, strong, compassionate, understanding and caring Canada.

If no other honourable senators wish to speak to Bill S-9 at this time, I would be pleased to move that this bill be referred to committee for further study so that we might have further serious discussion on this issue in committee and to hear the viewpoints of Metis and others.

The Hon. the Speaker: When debate has concluded, Senator St. Germain, the house will consider how it will deal with the bill after second reading. Would the honourable senator take a question?

Senator St. Germain: I certainly would.

The Hon. the Speaker: Senator St. Germain, I regret to inform you that your time has expired. Does the honourable senator request leave to continue?

Senator St. Germain: I would ask for leave that the question be placed.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Hon. Terry Stratton: Honourable senators, I have listened to two senators speak to this bill, and I appreciate what Senator St. Germain has just said; however, neither speaker has explained the bill to the house. At second reading, it is appropriate that someone who supports the passage of a bill should explain the bill.

Senator Prud'homme: Senator Chalifoux did.

Senator Stratton: Senator Chalifoux read her speech.

Senator Chalifoux: I said that I would be happy to explain it.

Senator Stratton: However, no one has explained Bill S-9 in this chamber. The emotional background has been spoken to, but no one has explained the bill.

I have one or two questions for Senator St. Germain. There are more people involved in this tragedy than Louis Riel. Two people that the honourable senator referred to were Crowfoot and Poundmaker — chiefs who were sent to Stoney Mountain Penitentiary, north of Winnipeg, as a result of certain events. Should there not be recognition of those individuals as well? They were critical in this entire scenario and, yet, they are forgotten people.

Senator St. Germain: Honourable senators, I do not think anyone is trying to minimize the roles of our Aboriginals, Chief Crowfoot and Chief Poundmaker.

Bill S-9 was directed at achieving recognition of Louis Riel. We all have our own opinions on how these people should be recognized. No one that I have spoken to is trying to take anything away from Chief Crowfoot or from Chief Poundmaker.

The bill is only two pages; it is not complex and seeks recognition for someone who is construed in the Metis communities as a leader — a hero who is viewed by many as a Father of Confederation and definitely as a father of the establishment of the Province of Manitoba.

Honourable senators, I am concerned that we may have a confrontational debate on this subject, which is not necessary. That is why I would prefer that the bill be referred to committee, rather than be dragged through a confrontational debate that would be adjourned. After being carried through for 15 days, it would simply die on the Order Paper.

At this time in history, as Senator Stratton knows, because he is from Winnipeg, the plight of native peoples is serious. Let us talk about the City of Winnipeg and the problems there with young Aboriginals and young Metis. I can assure honourable senators that governments, whether Conservative, Liberal or NDP, in Manitoba, have done nothing to right the situation.

I am not blaming Senator Stratton or any individual, but we must do something positive. It could be through such an inspirational process that we may convince these young people that they must get an education. Terry Fox was one of the greatest heroes this country has ever known. We are seeking such heroic status for Louis Riel. If that is wrong, I will stand here until hell freezes over. It was Sir John A. Macdonald who said, "He shall hang, even though all dogs in Quebec bark in his favour."

Honourable senators, until we have resolved the problem with our young Metis and Aboriginal peoples in the provinces of Manitoba, Saskatchewan, Alberta, British Columbia, Ontario and further east, I will not sit down. I believe that this is necessary. Those honourable senators who were in committee the other morning heard John Kim Bell speak to the challenges of high school dropouts and school dropouts in general. I am attempting to find a way to reach those youth.

• (1450)

I am respectful of the position of the Honourable Senator Stratton as well but, unless we do something different, there will be no change.

Senator Stratton: Honourable senators, I would direct the senator's attention to the fact that there is a very interesting study taking place right now in the Standing Senate Committee on Aboriginal Peoples. It is a study on Aboriginal youth. I thought that the honourable senator was a member of that committee.

Senator St. Germain: I am not a member of the committee, although I do go to committee meetings. I go as a result of a request that I made to Senator Rompkey. I thank you, Senator Rompkey, for delivering on that request. I will attend that committee at every opportunity that I have.

I can assure honourable senators that I was in committee the other morning with Senator Tkachuk from this side. I can assure the Honourable Senator Stratton that he missed an excellent presentation. He should have been there to listen to John Kim Bell.

Senator Stratton: Honourable senators, I will not continue the personal remarks. As whip, I am stretched thin, to say the least.

I did speak to Senator Tkachuk. It is exactly what that witness should say. That is what needed to be said. I support it completely.

I would ask a second question, if I may: For the edification of this chamber, what is the definition of a Metis? I have heard there are strict limitations as to the definition of "Metis" depending on where you live.

Senator St. Germain: Honourable senators, there are certainly various views. Some say that "Metis" refers to a combination of non-Aboriginals and Aboriginals in Western Canada. It started at various levels. I will not get into a debate of who or what is a Metis.

A Metis is of mixed blood, European and native, in most cases. There is a huge debate on this, because there are those who claim that the Metis started at a certain point.

As Senator Prud'homme asked, "What is an Orangeman?" It is a nebulous part of the argument. I believe that the honourable senator knows what a Metis is. He has lived in Manitoba all his life.

However, I am concerned about that which the honourable senator said. It is great to study these things, but let us start doing something. We have studied this thing to death. We have had Royal Commissions coming out of the windows of this place on Aboriginals, whether Metis or Aboriginal peoples.

What resolve have we? Where are we? We are no further ahead. We have one of the worst problems in education. I believe that 80 per cent of the Prince Albert penitentiary population is Aboriginal. There are huge problems in a litany of areas whether they be education, health or what have you.

We can study the issue to death. We can listen to everyone in the world. If we do not do something positive, we will continue to get what we have always got.

Senator Stratton: Honourable senators, I have one last question, and I promise not to give a speech.

I reinforce that which was said by Honourable Senator St. Germain. The Standing Senate Committee on Aboriginal Peoples is doing remarkable work currently in their study on urban Aboriginal youth. We should be pushing the examples of the positives related in its meetings of what is happening in the Aboriginal and Metis communities. It is wonderful to hear the positive stories. That is what we need to get out. That is the issue to our Aboriginal youth today. They need modern-day heroes, for example peers who have succeeded in education and in the entrepreneurial world. Would the honourable senator not agree?

Senator St. Germain: Honourable senators, I definitely agree. Modern-day heroes would be a great asset without question. There are many out there.

However, let us not forget about yesterday's heroes, either. Louis Riel is one of the most definitive, greatest heroes of yesterday of the Metis people.

Hon. Thelma J. Chalifoux: Would the Honourable Senator St. Germain agree with me that when they talk about Metis, there is a separate nation of Western Canadian Aboriginal people. The definition has been determined by the Metis National Council and by the elders of the Metis nation in Alberta.

Also, I would ask if the honourable senator has read about the issue of definition of Metis. Anyone can call themselves a Metis, but the issue is who can claim the rights.

The Metis of Western Canada do have a treaty with this government. It is under the Manitoba Act. That was determined on March 2, 1991.

The definition of Metis is very important. Anyone can call themselves a Metis. However, those who qualify for the treaty are the Western Canada Metis. Would the honourable senator agree with me?

Senator St. Germain: Honourable senators, I would certainly defer to the Honourable Senator Chalifoux. She is one of the most knowledgeable people on Metis issues, and she has done an excellent job for Metis and Aboriginal peoples across this country. I am proud to be working with her in the committee.

The Hon. the Speaker: It is moved by Senator LeBreton, seconded by Senator Rossiter, that debate be adjourned to the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

On motion of Senator LeBreton, debate adjourned, on division.

NATIONAL ANTHEM ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Poy, seconded by the Honourable Senator Banks, for the second reading of Bill S-3, to amend the National Anthem Act to include all Canadians.—(*Honourable Senator Stratton*).

Hon. Pat Carney: Honourable senators, I am proud to support Bill S-3, the Honourable Senator Poy's bill to amend the National Anthem Act to include all Canadians. I congratulate her for bringing this bill forward at this time.

Senator Poy, in her excellent speech to this chamber, has clarified what she proposes to do in the bill, which is simply to change two words in the National Anthem Act in order to include the majority of Canadians who are women.

The present wording excludes women by referring to the words "thy sons" only. Senator Poy's bill would change the phrase "thy sons" to "of us." The rules prevent me from singing this variation in the Senate. Perhaps we could have a choir here to hear how much better her version would be? The final words of the national anthem would say "as true patriot love in all of us command," rather than "true patriot love in all thy sons command." This bill would not change the French version.

Senator Poy gave an excellent background on this amendment and how the national anthem came into being and how it would be amended. It was interesting that some of the other speakers dismissed Senator Poy's efforts as being politically correct or a trivial issue. This denigrates the importance of this proposed change. A national anthem is one of the most powerful instruments of a country's national identity.

I was recently in an aquafit pool in an American city. There were 50 Americans singing "America the Beautiful" in the aquafit pool. I wondered how it would look in Canada if we, in my aquafit class, were singing "O Canada." It shows you something of the national commitment in these national anthems.

Second, author Michael Ignatieff has written "Rights are not just the instruments of the law. They are expressions of our own moral identity as a people." This is true for many of us. It certainly reflects my long held values and beliefs.

• (1500)

If my own colleagues could give me the floor, I would appreciate it. There is a lobby and reading room provided for chatter.

As I was saying, as MP I was among the army of women who mobilized to ensure that equality of women was included in the Charter of Rights and Freedoms and our Canadian Constitution in section 28. It is a flawed right because it has been interpreted to exclude Aboriginal women, who are the most discriminated against group in Canada.

As President of the Treasury Board, I initiated the Task Force on Barriers to Advancement of Women in the Public Service, which became a model for other countries and helped to expand the career opportunities for women in the public service. As an MP, I was in the House of Commons when the National Anthem Act was proclaimed on July 1, 1980. It was always understood that it would be open to change and review as the country emerged under the constitutional freedoms that it was gaining in the early 1980s.

The question is really, "Why now?", and I would argue several points. One is that it is time. Women are the majority of the population in Canada and they serve in all sectors of society. The majority of medical students, lawyers and other professionals are now women. They are entering non-traditional fields in science and technical fields at an historic rate and in increasing numbers. In fact, *Globe and Mail* columnist Roy MacGregor wrote this week that these are nerve-racking times to be a Canadian male. He pointed out that all the sports channels and front pages were reporting the fact that Melanie Turgeon took the women's downhill ski race in St. Moritz, Switzerland, and in speed skating,

that Clara Hughes had won the 5,000-meter event and Cindy Klassen had been crowned the world's all-around champion.

All Winnipeggers, says Senator Stratton. Is that correct?

Senator Stratton: The two skaters were.

Senator Carney: That speaks more to the geography than to the support for this bill. I am assuming that the honourable senator will then support this bill.

Senator Stratton says that he would support Senator Kinsella's bill, which is an entirely different issue. I call upon him to defend his Winnipeggers. Roy MacGregor goes on to say that Canadian women rule and have for some time in popular music. He quotes Shania Twain, Avril Lavigne, Celine Dion, Diana Krall, Sarah McLachlan, Nelly Furtado, Alanis Morissette and Kathleen Edwards. He goes on to point out that, among the top filmmakers in Canada is Nia Vardalos, who got her expected Oscar nomination for *My Big Fat Greek Wedding*, for best original screenplay.

Senator Stratton: A woman out of Winnipeg.

Senator Carney: Then we can certainly ensure the honourable senator's support for this bill.

Mr. MacGregor pointed out that the top selling non-fiction book is *Paris 1919* by Margaret McMillan, the fastest-rising book of fiction is *The Romantic* by Canada's Barbara Gowdy, the best biographies in the country are written by Charlotte Gray — I concur on that — and the new book for spring is Margaret Atwood's *Oryx and Crake*.

The most powerful women in Canadian politics are Auditor General Sheila Fraser and Supreme Court Chief Justice Beverley McLachlin, who is from British Columbia.

Senator Lynch-Staunton: No, she was born in Alberta.

Senator Carney: Well, then the West will have to combine to show that between British Columbia, Manitoba and Alberta, our women rule the country, if not the world. Will we agree on that?

We also, of course, have Governor General Adrienne Clarkson.

Honourable senators, that is a pretty compelling argument to suggest that now is the time to proceed with this change to bring our national anthem in line with our Canadian reality.

Second, I would argue that it is historically correct to change the words. As Senator Poy pointed out, in 1908 Sir Robert Stanley Weir, in his original version, wrote the words "true patriot love thou dost in us command." So much for the people who argue this bill is revisionist. We are simply proposing that we go back to the original intent of the bill.

It has been argued that the reason for changing it to "thy son's command" reflects the patriotic fervour of the pre-World War I period, although there is very limited evidence for that. That makes it even more important to change the wording at this time when women are serving in such a fine fashion in the Canadian military.

A third reason to support the bill is, it does not even set a precedent. It has been amended several times, both by Sir Robert Weir himself and as recently as 1968. Of course, it was adopted as the national anthem in 1980. It is not under any copyright, it is in the public domain. Senator Poy says the anthem belongs to the people of Canada and should reflect Canadian society.

Fourth, changing the wording of our national anthem to reflect Canadian society is consistent with the history of this place. The Famous Five in the Persons Case fought for the right to sit in the Senate of Canada. We have, among our distinguished members, Senator Joyce Fairbairn, who was the first Canadian woman Leader of the Government in this chamber, and I am glad she is here today. We also have Senator Brenda Robertson, who was the first woman elected to the legislature of New Brunswick, and I had the distinction of being the first Conservative woman senator from British Columbia.

Senator Prud'homme: There was also Senator Callbeck, the first woman premier of Prince Edward Island.

Senator Carney: Senator Prud'homme is right, she was the first woman elected there. You see, there is much support in this chamber for women. There is much history in this chamber in support of women and I expect that support to be in place for Senator Poy's amendment.

Fifth, the change pays tribute to the millions of women who have helped build our nation. Just to give you a reminder of some of them, there was Elsie Gregory MacGill, who was the first woman to receive an aeronautical engineering degree in Canada and the first woman aircraft designer in the world. There was Carrie Matilda Derick, the first female university professor in Canada. There was Maude Abbot, who was a physician and an international authority on heart disease. Roberta Bondar, of course, is best known as Canada's first woman in space; her colleague, Julie Payette, is an electrical and computer engineer pilot who is the first Canadian of either gender to work on board the international space station. There was Jean Cuthand Goodwill, who was a champion of public health services for Aboriginal people and founding member of the Aboriginal Nurses Association of Canada.

Then, of course, there have been the women in politics, which include Her Excellency the Right Honourable Jeanne Sauvé, who was the first woman Governor General, the first woman speaker in the House of Commons and the first woman member of Parliament from Quebec to become a cabinet minister. There was the Right Honourable Kim Campbell, the first woman Prime Minister, who held a number of posts, including first woman elected leader of the Progressive Conservative party. There was our former colleague the Honourable Muriel McQueen Fergusson, the first woman speaker of the Senate; the Honourable Marie Casgrain, the first woman head of a political party in Quebec; the Right Honourable Ellen Fairclough, the first woman cabinet minister in Canada; Cairine Reay Mackay Wilson, the first woman senator and the first woman to be appointed chair of a Senate standing committee. The list goes on and on, including of course, the Honourable Audrey McLaughlin, from the Yukon, the first woman to serve as the head of a federal political party in Canada and the North.

• (1510)

I think those changes are reflected in our own chamber. When I first came here, there were only a handful of women in the Senate. Now there are 34. Nearly one-third of our colleagues are women. When I was first elected to the House of Commons in 1980, there were only 16 women, and the total is now 51. While these numbers are not high enough, they show that the role of women in politics supports the idea that we should be acknowledged in our national anthem.

In British Columbia, of course, women have always played a predominant role. That has been reflected in a wonderful series of articles written by Stephen Hume, of the *Vancouver Sun*. The articles are dedicated to the contribution of women in the Canadian fabric and are entitled "Frontier Women in B.C." He points out, among the many stories he tells, how Lady Amelia Douglas, the Cree daughter of a Hudson's Bay Company official, changed the course of history with her courage and wisdom when she saved her hotheaded husband, James Douglas, from near death when he offended Carrier Chief Kwah. The chief was threatening to kill Douglas with a knife, and she diverted him by throwing bundles of trade goods at his feet, a diversion which allowed her husband to live.

He went on to found Fort Victoria. He was Governor of British Columbia and led British Columbia into democratic responsible government. I must admit he cried the day that the colony of British Columbia joined the colony of Vancouver Island. He thought it was not a useful step.

Those of you in this chamber who do not feel you can support this amendment to change the words "all thy sons command" to "all of us command" might consider an alternative. If this notion is defeated, I am seriously thinking of bringing in another amendment to change "all thy sons" to "all thy daughters," and that would reflect Canadian reality even more since women are the majority of the population. Possibly senators in this room would like to know how we feel when we are excluded from our national anthem.

I think Senator Tommy Banks would do a wonderful job of presenting that amendment to our national anthem. He is one of Canada's outstanding musicians. We might even have a senatorial choir try it out. However, I would seriously suggest to the men in this chamber that if you do not like changing the national anthem to support all Canadians by supporting the changing of the wording to "all of us," then you might reflect on how you would feel about supporting an amendment to change it to "all our daughters."

If senators do not support the amendment, then the record of the Senate would be unique in that colleagues will have voted down any change to the national anthem, and by doing so they will have demonstrated that they do want to enshrine the chauvinist attitude of keeping the wording of the national anthem which reflects only the male members of the population.

Some Hon. Senators: Shame!

Senator Carney: I take this as an endorsement of Senator Poy's amendment to change, and that you will be able to support this.

The Hon. the Speaker: Senator Carney, I am sorry to advise but your time has expired.

Senator Carney: Any questions?

Senator Stratton: I do not think Senator Carney understands where I am coming from. However, I would move the adjournment of the debate.

On motion of Senator Stratton, debate adjourned.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

SEVENTH REPORT OF COMMITTEE— MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming the debate on the motion of the Honourable Senator Milne, seconded by the Honourable Senator Chalifoux, for the adoption of the Seventh Report of the Standing Committee on Rules, Procedures and the Rights of Parliament (*amendment to Rule 131 — request for Government response*) presented in the Senate on February 4, 2003.—(*Honourable Senator Stratton*).

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, the seventh report from the Rules Committee suggests an amendment to rule 131 which would, upon a motion of the Senate, allow forwarding a request to the appropriate minister to reply or comment on a Senate committee report.

When this matter was first discussed, it was suggested that the request be forwarded directly to the minister or ministers involved, and I gather from the discussion that the chair of the committee, Senator Milne, was in favour of such a proposition. Accordingly, an amendment has been prepared which I would like to have circulated as I read it. It is quite simple.

MOTION IN AMENDMENT

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I move, seconded by the Honourable Senator Milne:

That subsection (3) of the Committee's recommendation to amend Rule 131 of the *Rules of the Senate* be amended by replacing the words "communicate the request to the Government Leader who" with the following:

"immediately communicate the request, and send a copy of the report, to the Government Leader and to each Minister of the Crown expressly identified in the report or in the motion as a Minister responsible for responding to the report, and the Government Leader".

It may sound like a technical amendment, but it will ensure that the ministers of those departments that are the subject matter of

any report are communicated with directly so that they may have an opportunity to respond within 150 days.

Hon. Anne C. Cools: Honourable senators, I just walked in the chamber, and I am most interested in the phenomenon of amending a report of a Senate committee by a motion of the chamber because my understanding of the proper way to proceed is that an amendment to a report should properly be done by the committee that originated the report.

• (1520)

The whole question interests me substantially, so with the agreement of honourable senators, I should like to move the adjournment of the debate and speak to it later this week.

Senator Lynch-Staunton: May I point out to Senator Cools that I did not read the introductory text as the one distributed. I did say that it was an amendment to the motion, not an amendment to the report. There is an error in the written text. I did not have time to have it retyped. The amendment is the same, but when honourable senators read Hansard tomorrow, they will see that the amendment is made to the motion and not to the report.

Senator Cools: That makes the matter clearer and more easily dealt with. A copy of the motion was just placed in my hands, and I had been working at a disadvantage because I did not have a copy of it before me. As I understand it, Senator Lynch-Staunton is not amending the committee report itself, but his motion to amend is on the motion in the first place. That is much more sufficient. In that case, I would like to take the adjournment on that.

On motion of Senator Cools, debate adjourned.

STUDY ON NEED FOR NATIONAL SECURITY POLICY

INTERIM REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kenny, seconded by the Honourable Senator Losier-Cool, for the adoption of the second report (interim) of the Standing Senate Committee on National Security and Defence, entitled: *For an Extra 130 Bucks... Update on Canada's Military Financial Crisis, A View from the Bottom Up*, deposited with the Clerk of the Senate on November 12, 2002.—(*Honourable Senator Robichaud, P.C.*).

Hon. Norman K. Atkins: Honourable senators, I want to thank Senator Robichaud for adjourning the debate and allowing me to speak.

Honourable senators, I rise today to join in the debate on the report by the Standing Senate Committee on National Security and Defence, entitled "For an Extra 130 Bucks," or in more senatorial language, "Update on Canada's Military Financial Crisis, A View from the Bottom Up."

This was the third major report of this committee tabled in the Senate in the space of little more than a year, an ambitious program for any group, but certainly for a small group of senators studying something as complex as the present state of Canada's military and, in conjunction with that, the future of Canada's military.

Before I proceed, I want to commend my colleagues on the committee for their dedication and hard work. We agonized at great length over the major thrust of our report and how to use that thrust most effectively to get the attention of the government. Our committee is not alone in suggesting our military needs more resources. Both Colin Powell and Paul Cellucci, the U.S. Ambassador to Canada, have encouraged Canada to bolster its military. At a recent NATO meeting, Canada was urged by both Britain and the United States to begin to address its military deficiencies in a realistic and serious way — address those needs in a fashion that Canada has historically been capable of.

Also, the former Minister of Defence, the Honourable Art Eggleton, has broken his silence and come to the defence of the military, requesting at least \$1 billion more in funding on an annual basis. He has also endorsed this committee's recommendation in its report entitled "Canadian Security and Military Preparedness," that our military strength be increased immediately to 75,000 women and men from where it is now, hovering around 50,000 to 60,000. Of course, Paul Martin, former Minister of Finance, has recently added his support for more military funding.

However, those of us who have been involved in government realize there are many pressures on government to increase spending. Money has been set aside and given to the provinces for health care in response to the Romanow report. The last Speech from the Throne stressed an Aboriginal agenda. It is the hope of our committee that the government is not persuaded once again to neglect the military. Next week's budget will show how persuasive we all have been.

I recognized, as much as anyone, the need for governments during the early and mid-1990s to eliminate deficits, balance budgets and develop realistic plans to pay off debt. Fortunately, at the federal level, the tools or levers that were needed to make this happen were in place, for example, the GST and free trade. However, we have moved beyond this period, and for the next few minutes, I want to make the case on behalf of the committee that it is now time for the government to devote its financial flexibility to addressing the needs of our military.

In a prior report entitled "Canadian Security and Military Preparedness," we made three major recommendations: First, the Canadian Forces need at least 75,000 trained, effective personnel; second, an immediate flow of \$4 billion into the budget of DND is needed; and, third, future annual budget increases should be granted by the government that are realistic, purpose-driven and adjusted for inflation.

I said in my speech during the debate on this report that time had caught up with the neglect of our military. The changing nature of our world and the reality we now face in North America have overtaken our ability to adequately contribute to our own defence. I suggested at that time that the debate over the future of

our military should be taken to the people of Canada. I believed we needed a wider dialogue. I now think that those Canadians who understand this issue have spoken loudly in this regard over the last few months, spoken loudly in support of our military, loudly in support of increased recruitment and increased spending.

Your committee, of which I am proud to be a member, has travelled extensively throughout Canada. We have heard of both the needs of our military and the support and respect it has in the eyes of Canadians. This is a military that Canadians know well from its actions during the Winnipeg and Saguenay floods, as well as its lifesaving work in the ice storm. It has come through for us time and again when disaster has struck.

Canadians, by and large, are a thoughtful group of people, but in our thoughtfulness has come a recognition, I believe, that if Canada does not do something about its military, then the United States will move unilaterally to defend its security perimeter, which is North America, without either our help or consent. We will risk losing credibility and respect. We should not become the handmaiden of American foreign and defence policy.

This was one of the major issues that faced the committee as it grappled in its second report with Canada-U.S. relations. The reality we expressed in that report is that our economies are intertwined. We are each other's largest trading partners. However, this mutually beneficial trading relationship is heavily dependent on our ease of movement of goods across our borders. We stated:

It is essential that two countries that are so economically compatible also be militarily compatible, in the defence of two societies dependent on what has, for the most part, become one functioning economy.

Military compatibility to defend ourselves and be helpful to our closest allies requires the commitment of resources. As we said in that report, "Canada must become more committed to the defence of North America." In simple, practical terms, if we do not signal our willingness to defend the continent, its defence will be taken out of our hands. I see nothing wrong with strong relations with the United States and I believe our sovereignty can be protected in such a relationship.

• (1530)

It is also true that Canada, as a country competing as a trading nation in the global economy, requires a seat at many trade negotiating tables around the world. Our credibility and our respectability as a country depend to a large extent on our ability to exercise and defend our sovereignty. This helps to give us a seat at the table.

We as a people are respected when we travel, and we travel freely throughout most parts of our world. We need to protect and enhance this image. It was, therefore, to ensure that this image of Canada would remain and that we would be able to continue to take our place at the table with other developed countries of the world that we made the recommendations we did in our recent report.

There is no point, in our minds, of having a poorly equipped military constantly being placed in harm's way. We might as well shut the whole thing down for a couple of years — reorganize, regroup, rearm, recruit, and with new, fresh and well-equipped troops, re-enter the world stage. We believed it was better to do this than to continue down the path we are on. We cannot have our equipment compared to an Antiques Road Show. We must deal with fundamental issues. Money must be committed to purchasing equipment, but the right equipment must be found. I am sure in most instances it could be even bought off the shelf.

Some have said if you gave the military \$4 billion, it would be difficult to decide what to spend it on. Our committee does not believe this to be a problem. A massive recruitment drive could begin. Capital acquisitions could take place. The waiting period for equipment needed for training would end. We must acquire modern equipment and in sufficient quantities to train our forces and our reserves.

Our travels to both the East and West Coasts indicate that our troops desperately need new helicopters. A replacement for the Sea Kings must be found. This message has to get through to the government in a forceful way. There must be a budget commitment.

We need to end the years of neglect and turn the page to a new era where our military is resourced to the point where it can perform its role on the world stage, at a level consistent with our allies. We must have the right equipment so we can train with our allies, not embarrass them.

Through all of this period, the women and men who make up our military have performed brilliantly, with immense dedication. However, they need rest, and a proper rotation must be implemented. They need our support now, and we may even be too late, as we are contemplating war with Iraq. We may join the United States or we may participate through the United Nations. However, I imagine that we will participate. How are we to do this? Where is our lift capacity? Where are the helicopters that make our frigates useful in a theatre of war?

The years of neglect have caught up with the government. We had to pull out of Afghanistan early because we did not have sufficient troops to rotate in and out of the theatre. We joined late because of our lift problem. We have top-notch troops, but the equipment they have at their disposal is embarrassing to them and to all Canadians.

In my opinion, we should start to re-equip immediately by buying "off the shelf." We must start our recruitment program. Most of all, there must be a commitment of resources in next week's budget, and dollars must be committed immediately.

I hope other honourable senators will join in this debate, if it is not too late, so that a strong signal will be sent to this government that the neglect must come to an end. We must make an unequivocal commitment of support for our military and act on it. They deserve no less.

On motion of Senator Robichaud, for Senator Bacon, debate adjourned.

[Translation]

BUSINESS OF THE SENATE

COMMITTEES AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, normally on Wednesdays, the Senate tries to complete its work by 3:30 p.m. so that committees may sit. Some committees had already decided to sit at 3:30 p.m.

With leave of the Senate and notwithstanding rule 58(1)(a), I move:

That all committees have power to sit while the Senate is sitting today, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

[English]

LEGACY OF WASTE DURING CHRÉTIEN-MARTIN YEARS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator LeBreton calling the attention of the Senate to the legacy of waste during the Martin-Chrétien years.—(*Honourable Senator Bryden*).

Hon. Terry Stratton: Honourable senators, one of my favourite topics is the surplus in the Employment Insurance fund. I have spoken again and again about this over the last five years in Question Period, without achieving any really positive answers.

I wish to speak about the \$45-billion surplus that will be in the EI account by the end of this year.

Senator Robichaud: The sum of \$45 billion rings another bell in my mind.

Senator Graham: Is that the deficit you are talking about?

Senator Stratton: That is 60 per cent of the retirement of the debt. Jean Chrétien and Paul Martin owe most of their fiscal success to a massive fraud performed on Canadian workers and those who employ them: a \$45-billion raid on the Employment Insurance account.

By almost anyone's definition, "fraud" means taking something by duplicity, deception or false representation.

EI premiums paid to the federal government are supposed to fund the EI program. They were never intended to become just another tax. Until recently, the law required that they be set only with a view to keeping the EI account in balance.

Using the pretext of building up a rainy day fund in the EI account, Paul Martin relied, year after year, on artificially inflated EI premiums generating far more revenue than was going back to workers in benefits and training. The result is that this December the government will have collected \$45 billion more from the program than it will have spent on it.

Technically, this money sits in what is known as the Employment Insurance account and is lent at a low interest rate to the government. In reality, it is highly unlikely that any of it will ever go to pay for the program. Indeed, the government appears to want to get out of even crediting interest to the account. This \$45-billion surplus is three times the annual spending of the program. It far exceeds the \$10- to \$15-billion surplus that the program's actuary says would see the program through a recession.

• (1540)

The Auditor General has looked at the amount of money in the EI account and said that she could not conclude that the government has followed the intent of the EI act.

The government could have chopped the employment premium rate to \$1.75 per \$100 of insurable earnings this year and still run the program to operate in the black but instead set the premium at \$2.10. This has been a recurring story, as premiums have come down at a much slower rate than is justified by the account.

The reference here is to the employee premium rate. The employers contribute 1.4 times that.

The Employment Insurance Program, formerly known as the Unemployment Insurance Program, was created in 1940. Its original purpose was to provide temporary assistance to unemployed workers. From the beginning, it was planned that the program operate as an insurance program with revenues covering expenditures. This is acknowledged by Human Resources Development Canada on its Web site in a document called "The History of Unemployment Insurance."

The 1940 UI Act envisaged a relatively straightforward role for the new program. Although it was to be a social insurance program, it was to be run as strictly as possible in accord with the principles that govern life, fire, theft and other forms of private insurance.

The role of the UI program would be to ensure specific groups of workers against temporary income-loss arising from unemployment. It was expected to be an actuarially sound program in which coverage, risks, premiums and benefits were carefully calculated and balanced.

Over the years, the scope of the program expanded. Coverage was extended to workers who were not eligible under the 1940 program and benefits were provided for other purposes such as maternity and parental leave. In recent years, the program has also been used to fund labour market measures such as training.

However, until Paul Martin became Minister of Finance, there was never any intent or attempt to turn premiums into a general tax used to pay for other programs. Even after the former government addressed a concern of the Auditor General in 1986

by integrating the accounts of the program with those of the government, no attempt was made to turn the program into a cash cow to be milked by the Finance Minister of the day. As required by law, the PC government continued to operate the plan on actuarial principles, with premiums set to balance the account.

The global recession of the early 1990s strained the UI account, significantly pushing up the level needed to operate the plan on an actuarially sound basis.

The PC government, in November 1991, made a decision that premiums would not be allowed to rise above \$3 per \$100 of earnings, even though the condition of the fund in November 1991 suggested that premiums of \$3.20 were needed in 1992 to balance the account. This premium remained in effect for 1993, again lower than what the fund's conditions would suggest.

One of the new Liberal government's first announcements in the fall of 1993 was that premiums would rise to \$3.07 in 1994.

With premium rates remaining high, the balance in the EI account improved, given falling unemployment and significant cuts to regional benefits. The plan was in the black on an annual basis by 1994, and the cumulative deficit in the plan was gone by 1995. The next year, with premiums remaining higher than necessary to fund the program, the account began to run considerable annual surpluses.

Under the law as it stood when Paul Martin became finance minister, EI premiums would have plummeted in 1996. The government changed the law to stop that from happening.

While premiums have come down to \$2.10 this year, this must be weighed against two other factors. First, given the money already in the account, this far exceeds the rate needed to ensure stable premium rates over a business cycle. The premium could have fallen to that level years ago. Second, EI premiums cannot be seen in isolation, as Canadian workers and their employees also pay into the Canada and Quebec pension plans. CPP and QPP premiums have almost doubled over the past decade, from \$2.50 per \$100 of earnings in 1993 to \$4.95 this year. The result is that since 1993, the average worker has seen his or her combined EI and CPP/QPP contributions rise by more than \$700 a year. Those who employ them have seen their contributions rise by almost \$600 a year.

Another way to look at this is to express the EI surplus in terms of the wages that have been confiscated from Canadian workers. Each 10 cents of premium translates into \$900 million of revenue. The extra \$45 billion collected in the name of Employment Insurance equals what could be collected if the government slapped on a surcharge of \$5 per \$100 of earnings for a year.

This means that Paul Martin's inflated EI premiums have cost someone earning an average wage a cumulative total effect of just under \$2,000. It is the equivalent of handing over to Ottawa more than two and one half weeks of pay a per year. The employer's cumulative share of the EI surplus equals the cost of meeting the entire payroll for three and a half weeks of all of the contributing

companies in Canada. Employers must pay this tax regardless of whether they are earning a profit, and they are understandably upset.

The *Hamilton Spectator* of November 29, 2002 carried this reaction to the Liberal government's decision to only lower EI premiums by 10 cents this year:

Not good enough, says the Canadian Federation of Independent Business.

The federal government collects billions more in EI premiums than it needs to operate the program, said André Piché, director of national affairs for the group.

"This is a very big issue for business," he said. "Premiums are being siphoned off for other government uses." The EI surplus is expected to reach almost \$43 billion this year and rise to \$45 billion in 2003, said Piché.

Honourable senators, the EI surplus makes Paul Martin's fiscal record look a lot better than it would if he had respected the spirit of the law.

As of March 2002, the EI account had run up a surplus of some \$40 billion, accounting for virtually all of the drop in the net debt since 1996. So much for the wizardry of Paul Martin. Indeed, the two most important reasons for the government's fiscal success have been Paul Martin's decision to keep the EI premiums artificially high and his decision in his first mandate to chop billions from the federal contributions to health care.

The Employment Insurance Actuary has suggested that a cushion of \$10 to \$15 billion would be more than enough to meet any economic downturn. Even if you accept \$15 billion, the high end of this range, as a reasonable ceiling, the government to date has fraudulently taken \$25 billion more from Canadians than can be justified.

According to *The Globe and Mail* of November 14, 2002:

More than 60 per cent of the debt paid down by the federal government over the past four years has come from "excessive" Employment Insurance payments, a report says. The report, to be released today, found that

Canadian employers and employees have paid \$25.7 billion over the past four fiscal years beyond the \$15-billion cushion actuaries believe the EI fund needs should the Canadian economy take an unexpected downturn. To continue with the article:

According to the report, produced by the Canadian arm of economic forecaster Global Insight Inc., that surplus money accounts for 60.05 per cent of the \$42.8 billion in debt that the federal government has retired during that stretch.

"Huge surpluses have built up over the last four years," said Dale Orr, managing director of Global Insight.

Later in this article we are told:

Mr. Orr said that if the employee rate had been drastically cut to \$1.70 in 1998, the EI fund would have maintained a surplus of about \$15 billion. Instead, it was lowered to just \$2.70 for that year and has since been cut to \$2.55 for 1999, \$2.40 for 2000 and \$2.25 for 2001.

While in theory that \$45 billion is available to prevent premium hikes in a downturn, the reality is that this money is part of the overall accounts of the Government of Canada. Very simply, premiums are paid into the Consolidated Revenue Fund and benefit cheques are written against the fund.

The tragedy for those who have been forced to pay excessive premiums is that the EI account is an accounting fiction. It is not there; the money is not there. There is no pot of gold to set aside to meet the cost of a recession for the unemployed. The Liberals have simply taken the \$45 billion and used it as a flag to say, "What good managers we are. Look at us. The debt has gone down." It is a falsehood. The EI surplus has paid down 60 per cent of the debt.

Senator Lynch-Staunton: More, more!

On motion of Senator Robichaud, for Senator Bryden, debate adjourned.

The Senate adjourned until Thursday, February 13, 2003, at 1:30 p.m.

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2nd SESSION

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OFFICIAL REPORT
(HANSARD)

Thursday, February 13, 2003

—
THE HONOURABLE DAN HAYS
SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue).

OFFICIAL REPORT

CORRECTION

Hon. Lorna Milne: Honourable senators, I rise to correct a mistake in Hansard.

The Hon. the Speaker: Is leave granted to make this request for leave?

Hon. Senators: Agreed.

Senator Milne: This is in Hansard of Thursday, February 6, 2003, as reported on page 786 when, under Orders of the Day, I was speaking and moving adoption of the seventh report of the Standing Committee on Rules, Procedures and the Rights of Parliament. During my remarks, I mentioned that we saw this demonstrated by Senator Carstairs and Senator Robertson's follow-up review of the euthanasia report. I misspoke, honourable senators. It should have been, of course, our most Honourable Senator Beaudoin, not Senator Robertson. I would like that corrected in the record.

The Hon. the Speaker: Is it agreed, honourable senators, that the correction, as requested by Senator Milne, be made to our Hansard?

Motion agreed to.

THE SENATE

Thursday, February 13, 2003

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

[Translation]

ROYAL ASSENT

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

February 13, 2003

Mr. Speaker,

I have the honour to inform you that the Honourable John Major, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy of the Governor General, signified royal assent by written declaration to the bill listed on the Schedule of this letter on the 13th day of February, 2003, at 8:50 a.m.

Yours sincerely,

Barbara Uteck
Secretary to the Governor General

The Honourable
The Speaker of the House of Commons
Ottawa

Bill given Royal Assent, Thursday, February 13, 2003:

An Act to amend the Nuclear Safety and Control Act

(*Bill C-4, Chapter 1, 2003*)

The Hon. the Speaker: Honourable senators, I might add that this was the first time that royal assent to a bill passed by both Houses of the Parliament of Canada has been given by written declaration. History was made this morning when the Clerk of the Senate and Clerk of the Parliaments presented Bill C-4, to amend the Nuclear Safety and Control Act, to the Honourable John Major, Deputy of the Governor General, for royal assent.

[English]

As honourable senators are aware, many attempts have been made over the years to modernize our procedure for Royal Assent. This morning's event culminated the work of many honourable senators, in particular the work of the Leader of the Government, Senator Carstairs, who sponsored Bill S-34, respecting Royal Assent to bills passed by the Houses of Parliament, which became law on June 4, 2002, and the work of the Leader of the Opposition, Senator Lynch-Staunton, who presented a number of bills on this subject in past sessions.

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

EQUALIZATION PROGRAM

Hon. Bill Rompkey: Honourable senators, I wish to draw the attention of the chamber to the announcement, today, by the Prime Minister, that the cap on equalization payments will be lifted. This announcement is important to my province as well as the provinces of Senator Murray, Senator Hubley, Senator Carstairs, Senator Chaput and Senator Merchant, all of which receive equalization payments because our economies are not as strong as those of other parts of the country.

The cap of \$10 billion has been lifted and, regardless of national economic growth, money will flow to poorer provinces. This is not everything we need to change the equalization program, but it is a good start.

I rise to give credit to those senators who took part in the study on this matter, which was well received in all provinces. I wish, in particular, to single out Senator Murray, who chaired the Standing Senate Committee on National Finance, and Senator Cook, who got wind of this information today and advised us of it.

The Senate made an important contribution to this issue. Today's announcement is an important measure and, although it is not good enough, it is a first step.

CANADA SNOW SCULPTURE COMPETITION

Hon. Elizabeth Hubley: Honourable senators, just to the east of the Parliament Buildings, in Major's Hill Park, the Canada Snow Sculpture Competition has concluded, and the resulting frozen sculptures are truly magnificent. This annual competition, a flagship event of the National Capital Commission's Winterlude festival, in collaboration with VIA Rail Canada and the Government of Canada, features 13 teams of snow sculptors representing each province and territory. Each team of three carvers is allotted a total of 43 hours over a five-day period to complete their masterpieces. This year's theme is "The Spirit of Canada."

• (1340)

Honourable senators, the Prince Edward Island team of Gerald Beaulieu, Ahmon Katz and William (Woody) White were awarded first prize in the competition with a sculpture entitled "Canada at Vimy," depicting the front wall of the historic war memorial in northern France. They captured second place and the People's Choice Award in last year's competition.

The Spirit of Canada is the largest of 25 figures on the actual Vimy memorial and is meant to convey the sorrow of a young nation mourning its fallen soldiers. She stands, head heavy, looking down at a laurel wreath, a sword and a helmet placed upon it. Behind her are columns representing Canada and France,

forming a supposed "gateway to a better world." On these columns are figures depicting peace, truth, justice, knowledge, gallantry and sympathy.

Honourable senators, when I stood in front of that dramatic snow sculpture created by the Island team, I was enveloped by two emotions. One was a sense of pride in the accomplishments of the sculptors themselves. The other was a fittingly cold and sobering reminder of the great cost of war.

Honourable senators, we best honour those who have fallen not by engaging in further conflict but by relentlessly pursuing peace. In our present time of international tension and impending war, this is a truth we would do well to be stalwart about.

I would encourage honourable senators to visit Major's Hill Park, well muffled and dressed, of course, and have a look at these beautifully crafted and thought-provoking snow sculptures that help celebrate our Canadian wintry soul.

THE LATE MR. RASHPAL DHILLON THE LATE MR. RIASAT ALI KHAN

TRIBUTE

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to speak about the untimely death of two prominent Vancouver people. Vancouver has recently lost two pillars of the multicultural communities with the passing of Rashpal Dhillon and Riasat Ali Khan. Both of these men were well known within the Vancouver community for their hard work, generosity, and both will be deeply missed.

Rashpal Dhillon was an immigrant success story, having arrived in Canada in the mid-1950s with nothing and becoming the first Indo-Canadian peace officer in Canada, serving with the RCMP for 29 years.

Upon leaving the police force, he took up his own business endeavours and became a prominent figure in the community, serving as an administrator to many Sikh temples and also a member and a director of both the Five River Society and the Yukon division of the Canadian National Institute for the Blind in British Columbia. He was a real pillar of strength in the Vancouver community and for all communities.

Riasat Ali Khan was the founder of the Pakistan-Canada Association, which opened the first mosque in Western Canada. He also served as the head of the B.C. Immigrant Services Society. He was also a board member of the B.C. Cancer Society and a delegate to the Committee for Racial Justice.

Though it was the circumstances of Riasat Ali Khan's death that shocked Canadians and captured national media attention, we must remember that it is from the way in which he lived his life that we can find an example of what can be achieved with hard work and dedication to our Canadian values of harmony and multiculturalism.

I hope that all honourable senators will join me in expressing sincere condolences to the families of both these great men.

[Translation]

OFFICIAL LANGUAGES

Hon. Jean-Robert Gauthier: Honourable senators, I do not have a crystal ball to predict the future, but I do know that next Tuesday, February 18, there will be a budget. Since it may contain a number of items that are of a great interest to official language communities, I would like to point out that the Official Languages Act was passed in 1988. Over the past 15 years, there has been a great deal of change with respect to official languages in Canada. It is time to review this legislation in order to clarify certain provisions and accountability.

Stéphane Dion will soon table, in Parliament, his action plan, which should contain a new recommendation including an accountability framework.

I believe we must have a full debate on this, rather than simply limiting ourselves to new regulations. If Mr. Dion's action plan is satisfactory, the government should not be afraid of court challenges. Under the current legislation on official languages, legal remedy is difficult and sometimes even impossible.

Mr. Dion has already said that he is afraid that there will be more court challenges, if legal recourse were allowed on the issue of protecting, promoting and developing the vitality of official languages in Canada.

Since the Canadian Charter of Rights and Freedoms was passed, section 15 on equality rights has been cited in 733 legal cases. Section 16 on official languages in Canada has been cited five times in the courts, and section 24 on minority language educational rights has been cited in 31 cases. In a democracy, the role of the courts is to monitor how constitutional rights are protected.

Nobody has called into question the use of the courts to protect rights and freedoms. Section 15 has been cited in 733 cases, and that is not much more than the five cases involving section 16, which stipulates that English and French are the official languages of Canada.

What about court challenges? As I was saying yesterday in the Senate, there are no regulations for one of the most important sections of the Official Languages Act, section 41. This section is found under Part VII, which deals with the advancement of French and English in Canada. A remedy cannot be sought in court under this section. This is prohibited. The federal government cannot take the lead.

Now, the Northwest Territories also have an Official Languages Act, but it has no regulations. It is high time that implementing regulations were adopted for section 41 and for the Northwest Territories' Official Languages Act. It is up to us.

[English]

[Translation]

[Later]

NATIONAL FLAG DAY

Leave having been given to revert to Senators' Statements:

Hon. B. Alasdair Graham: Honourable senators, I rise at this time because February 15 is Flag Day in Canada. As we will not be sitting on that day, I thought it appropriate to observe that extremely important day in Canada's history.

On National Flag Day, I recall the very passionate and emotional flag debate, as most of you would. It took a lot of strong leadership from then Prime Minister Lester B. Pearson to overcome opposition, both in the House of Commons and throughout the country. Like many major historical changes in the life of a great nation, there is always some fear of the unknown. However, on February 15, 1965, the wonderful story of the maple leaf came into being. The maple leaf flag became a reality.

It is a story about a remarkable, adventuresome people whose footsteps across the planet have meant peace and tolerance, justice and freedom. For many years I was privileged to be a part of the evolving course of international democratic development in many countries around the world. I have some appreciation of how meaningful our flag is to little people who seek a better life for themselves and their families. I think of the thousands of people who wait in immigration offices around the world seeking access to Canada. I think of their personal joy at the sight of the maple leaf as it unfolds majestically, like today, under a brilliant, if a bit frosty, blue sky.

I often think of what a thrill it was and, indeed, what a comfort it was to me personally, to see our red maple leaf flag as it was carried by our peacekeeping soldiers in places such as Namibia and Nicaragua, where I happened to be with an international election observing team, and the thrill we get when Canadians win gold, whether an individual or our national women's or our national men's hockey teams and our flag is raised at the podium.

As we think of our National Flag Day and all it represents, honourable senators, let us remember that our flag represents values and a better place. It represents a special community which has built a vast country north of the 49th parallel. Let us also remember, at this particular time in our history, that no matter what difficulties the international community experiences today, that Canadians are committed and talented people who enjoy enormous respect across this planet, and that our voice must always speak out, strong and free, in the interests of peace and in the interests of stability because that is the way that it has always been and that is the way it always will be.

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

CANADIAN FIREARMS PROGRAM REVIEW

TABLED

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table in both official languages a document entitled "Canadian Firearms Program Review."

INTERNAL ECONOMY, BUDGETS
AND ADMINISTRATION

NINTH REPORT OF COMMITTEE PRESENTED

Hon. Lise Bacon, Chair of the Standing Senate Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, February 13, 2003

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

NINTH REPORT

Your Committee recommends that the following funds be released for fiscal year 2002-2003.

Foreign Affairs (Legislation)

Professional and Other Services	\$ 1,750
Transport and Communications	\$ 500
Other Expenditures	\$ 500
Total	\$ 2,750

Scrutiny of Regulations (Joint Committee)

Professional and Other Services	\$ 40,800
Transport and Communications	\$ 1,350
Other Expenditures	\$ 1,770
Total	\$ 43,920

Your Committee recommends that the following additional funds be released for fiscal year 2002-2003.

National Security and Defence (Special Study on National Security Policy)

Professional and Other Services	\$ 0
Transport and Communications	\$ 36,000
Other Expenditures	\$ 0
Total	\$ 36,000

LISE BACON
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Bacon, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[English]

Thursday, February 13, 2003

NATIONAL SECURITY AND DEFENCE

BUDGET—REPORT OF COMMITTEE PRESENTED

Hon. Michael A. Meighen, for Hon. Colin Kenny, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Thursday, February 13, 2003

The Standing Senate Committee on National Security and Defence has the honour to present its

SIXTH REPORT

Your Committee was authorized by the Senate on Wednesday, November 20, 2002, to examine and report on the health care provided to veterans of war and of peacekeeping missions; the implementation of the recommendations made in its previous reports on such matters; and the terms of service, post-discharge benefits and health care of members of the regular and reserve forces as well as members of the RCMP and of civilians who have served in close support of uniformed peacekeepers; and all other related matters. Your Committee respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to adjourn from place to place within Canada and to travel inside and outside Canada, for the purpose of such study.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

COLIN KENNY
Chair

(For text of report, see today's Journals of the Senate, Appendix "A", p. 508.)

The Hon. the Speaker: When shall this report be taken into consideration?

On motion of Senator Meighen, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1350)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET—REPORT OF COMMITTEE PRESENTED

Hon. Jane Cordy, for Senator Kirby, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

EIGHTH REPORT

Your Committee, which was authorized by the Senate on Tuesday February 4, 2003, to examine and report on issues arising from, and developments since, the tabling of its final report on the state of the health care system in Canada in October 2002. In particular, the Committee has been authorized to examine issues concerning mental health and mental illness, respectfully requests for the purpose of this study that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary and that it be empowered to travel within Canada for the purpose of its study.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JANE CORDY
For the Chair

(For text of report, see today's Journals of the Senate, Appendix "B", p. 514.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator Cordy: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be placed on the Orders of the Day for consideration later this day.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Anne C. Cools: Honourable senators, why are we not following the usual routine? I am willing to grant consent. It is just that I noticed the previous senator asked for leave to consider the report today. I am curious. Is this pressing business?

Senator Cordy: Honourable senators, the Senate is not sitting next week. As well, the Senate will not sit the first two weeks in March. The committee will be travelling the last week of March, and we would like to make plans to travel to Toronto, if that is acceptable to honourable senators.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to and report placed on the Orders of the Day for consideration later this day.

MARRIAGE BILL

FIRST READING

Hon. Anne C. Cools presented Bill S-15, to remove certain doubts regarding the meaning of marriage.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Cools, bill placed on the Orders of the Day for second reading at the next sitting of the Senate.

[Translation]

NEGOTIATIONS WITH INNU (MONTAGNAIS) OF QUEBEC

NOTICE OF INQUIRY

Hon. Aurélien Gill: Honourable senators, pursuant to rule 57(2), I give notice that on Tuesday, March 18, 2003:

I shall call the attention of the Senate to the issues related to the common approach to negotiations with the Innu (Montagnais) of Quebec, Quebec and Canada, in relation to the current debate.

[English]

QUESTION PERIOD

HEALTH

STATUS OF LEGISLATION PROPOSALS

Hon. Terry Stratton: Honourable senators, my question is for the Leader of the Government in the Senate and relates to outstanding bills about which we have heard nothing. Almost five years ago, Health Canada told Parliament, through its 1998-99 report on plans and priorities, that it would institute legislation for modernization of the Health Protection Act and give itself the tools to deal with infectious diseases under the Quarantine Act. In March 2001, through its 2001-02 report on planning and priorities, Health Canada said that a bill might be introduced that year to address various gaps and inconsistencies under the Food and Drugs Act, Hazardous Products Act and the Quarantine Act.

In March of last year, Health Canada told Parliament, through its 2002-03 report on plans and priorities, that it was continuing to develop a detailed legislative proposal to serve as the basis for further discussions before tabling the bill in Parliament.

In September of last year, the Throne Speech promised to renew federal health protection legislation to better address the emerging risks, adapt to modern technology and emphasize prevention.

When will we see this legislation; does the minister have any idea?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I must indicate to the honourable senator that I have absolutely no idea when we will see that legislation. I will certainly bring it to the attention of the Honourable Minister McLellan, that members in this chamber would like to see it sooner rather than later.

Senator Stratton: Two bills that aim to prevent the sale and import of unsafe drinking water materials and to establish national drinking water guidelines died on the Order Paper: Bill C-76, in the second session of the Thirty-fifth Parliament; and Bill C-14, in the first session of the Thirty-sixth Parliament. We are now in the second session of the Thirty-seventh Parliament and not a great deal has been heard about this bill. Is it the intention of the government to, at some point, reintroduce the drinking water material safety bill again?

Senator Carstairs: As the honourable senator knows, this subject was also mentioned in the Speech from the Throne in the fall of last year. I would hope to see it coming sooner rather than later. As the honourable senator will be aware, we are not sitting next week because we do not have any government legislation before us that is not in one of our committees. I have been pressing actively for some of that legislation to be introduced in this place.

Senator Stratton: Honourable senators, I have two more questions about which I should like to inquire. I know the answers will be the same, but we need to put on the record that these issues are also outstanding.

Four years ago, in the first session of the Thirty-sixth Parliament, the government introduced Bill C-80, which aimed to overhaul legislation dealing with food safety and inspection. Almost three years ago, in its 2000-01 report on plans and priorities, Health Canada told this chamber that they planned to introduce that bill in the spring of 2000.

Could the Leader of the Government in the Senate advise us as to whether it is still the intention of the government to reintroduce this bill?

• (1400)

Senator Carstairs: Honourable senators, I do not remember any specific reference to it in the Speech from the Throne. I will investigate that matter. I will also extend to the minister responsible the wishes that senators on both sides of this chamber would like to see such legislation.

JUSTICE

LEGISLATION TO COMBAT CYBER CRIME

Hon. Terry Stratton: Honourable senators, I have another question for the Leader of the Government in the Senate. It has to do with cyber crime. Over a year ago, the *National Post* carried a report, in its December 28 edition, that the government was working on legislation to deal with the transnational aspects of cyber crime. Then, last May, the Minister of Justice said that he planned to introduce legislation to attack cyber crime last fall.

Corporations and Internet service providers would be required to save information, including e-mails and hard drive contents, for a certain period of time to ensure that the electronic trail is not erased. As is so often the case, the legislative wheels move ever so slowly. In August, the whole matter was put off for consultations that ran through the fall — consultations that could have been held last spring if the government was able to move quickly on it.

Could the Leader of the Government in the Senate advise honourable senators as to when the government expects to introduce its cyber crime legislation?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I cannot give a timeline. I can say that the consultations are still going on within the community.

GUN REGISTRY PROGRAM

Hon. Marjory LeBreton: Honourable senators, my question is for the Leader of the Government in the Senate. The Minister of Justice has stated that the gun registry program is "moving with what we call cash management." Can the Leader of the Government explain what is meant by "cash management" and what is being pushed aside and not being funded in order to ensure that the gun registry can be given more money?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, a number of steps were taken. For example, a freeze was placed on new hiring. Travel budgets were eliminated in order to cash-manage the monies that the department had in order to continue to register but not to broaden nor speed-up the program in any way. The minister was extremely sensitive to the fact that there were two reports out there, and he wanted to have those reports before he fully developed a plan and returned to Parliament with that plan.

Senator LeBreton: Honourable senators, normally, final Supplementary Estimates are tabled in late February or early March but are not actually passed until almost the last day of the fiscal year. The Supplementary Estimates, of course, are the means by which the government usually advises Parliament about the use of contingencies. Can the Leader of the Government assure honourable senators that there will be no contingencies granted by cabinet for the gun registry between the time the Supplementary Estimates go to print and the time they are given Royal Assent?

Senator Carstairs: Honourable senators, we are expecting Supplementary Estimates next week. At that point, the question of the honourable senator will be fulsomely answered.

CANADA CUSTOMS AND REVENUE AGENCY

LOSS OF PORT OF ENTRY STATUS TO SMALL- AND MEDIUM-SIZED AIRPORTS

Hon. Consiglio Di Nino: Honourable senators, my question is for the Leader of the Government in the Senate. It is about the decline in business at some two dozen small Canadian airports

that have lost their port-of-entry status since increased security measures were introduced after September 11. Airports at medium-sized Canadian communities as diverse as Lethbridge in Alberta, Estevan in Saskatchewan and Chatham in Ontario have seen business plunge by as much as 90 per cent. Under the new rules, customs agents have been removed from these airports.

The CBC reported on February 8, 2003, that a drop in business has left some small airlines in trouble and they are being forced to cut service and to sell planes. According to that same CBC report, some of those small airports have written to the federal government, asking for customs agents to be brought back to these small community airports.

Could the Leader of the Government in the Senate please inform this chamber of the government's viewpoint on this issue?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators know quite well that following September 11 there were a number of attempts to ensure that the customs processes in all our airports were working effectively and efficiently. That required additional resources at the main centre of traffic in this country. Resources were moved to the larger airports. As the honourable senator has noted, planes that normally would have landed in Lethbridge are forced to land in Calgary, to clear customs and then, should they wish, fly on to Lethbridge.

The reality of the situation is that the planes are not flying on to Lethbridge. I can assure honourable senators that the issue has been raised with the government, which is examining it at this point.

Senator Di Nino: Honourable senators, the same CBC report states that Ottawa has suggested that if small communities really want to become ports of entry again, they should come up with the cash to pay for the customs agents.

Since we are now in a pre-budget period, could the Leader of the Government in the Senate tell us if this is the government's position and if she agrees with it. Is this just a statement made by the CBC, which has no validity?

Senator Carstairs: Honourable senators, I do not know whether it was a statement just made by the CBC. I heard the statement because I watched the same program. With respect to the Lethbridge airport, rather active work is ongoing on behalf of my friend, Honourable Senator Fairbairn.

As honourable senators know, there will be a budget next Tuesday. Perhaps we will have more information at that time.

Senator Di Nino: I asked the Leader of the Government in the Senate whether she shares the viewpoint that these towns should pay for their own customs agents. She is the person who represents this institution in cabinet.

Senator Carstairs: There are user fees for a number of services provided across this country. I have no particular information with respect to this service. I am not sufficiently knowledgeable on this issue to provide an opinion.

TRANSPORT

AIR TRAVEL COMPLAINTS COMMISSIONER— REPORTS OF MISLEADING ADVERTISING BY AIR CARRIERS

Hon. Consiglio Di Nino: Honourable senators, my second question pertains to an item raised in the recent report by the Air Travel Complaints Commissioner. The report was released at the end of January 2003. Commissioner Liette Lacroix Kenniff complained that some air carriers had been engaging in misleading advertising with respect to travel fares. According to the commissioner:

Some carriers have been advertising fares each way when the actual ticket can only be purchased on a round-trip basis. They show the equivalent of half the round-trip, thus leading customers to believe that they can actually get a cheap one-way fare when they cannot.

Could the Leader of the Government in the Senate share with us her government's thoughts on this issue?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the government is reviewing the report from the complaints commissioner. Hopefully, a response will come in the near future. That particular situation has been of personal concern to me because sometimes one does not see the fine print. The fine print may indicate that a full-fare ticket must be purchased. However, the last few advertisements I have seen seem to be a little bit more clear on that matter. Hopefully, the airlines themselves have responded because it was the right and proper thing to do.

Senator Di Nino: Honourable senators, the same report also deals with other issues. In examining the report and information dealing with the final fare that air carriers charge consumers, it becomes clear that the commissioner's complaints are not isolated.

For instance, travel agents have been complaining for some time that the airlines, in their advertising, will try to entice the client with "the lowest possible fare" and that they have failed to effectively detail all the costs, including taxes, airport fees and security charges that make up the final fare that consumers are charged.

• (1410)

Beyond the fact that this issue touches upon the pre-budget rumour that the government is considering the reduction of the air security fee, could the minister please explain what her government intends to do to ensure greater transparency in the advertising conducted by airlines?

Senator Carstairs: Honourable senators, there are two issues here. Certainly, there is the charge that the government has imposed. I do not think it would be appropriate for the government to force the airlines to publish that fee. That is a

government responsibility and it should be held accountable for informing the public about that particular charge.

With respect to all other issues, the government is presently looking at this report and will bring forward recommendations.

Senator Di Nino: Honourable senators, I would like to engage the minister in a discussion on that matter at the appropriate time.

THE BUDGET—POSSIBLE REDUCTION TO AIR TRANSPORT TAX

Hon. Consiglio Di Nino: Might I ask one final question of the Leader of the Government in the Senate? I do not know what the budget contains, but the budget will likely lower the air transport tax. Both the Minister of Transport and the Minister of Finance have indicated as much.

Minister, if a reduction in the air transport tax takes effect, will her government ensure that the reduction will apply to all tickets purchased by consumers, even though they may have been purchased before the reduction date, for flights to be taken subsequent to that date?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator knows, the government does not like retroactivity. I do not anticipate it will do that. It may be complex for the consumer, if the government were to do it.

However, the honourable senator seems to have more knowledge about what is in that budget than I as a member of the government. At this point I certainly cannot give him any information about what is in that budget. I have not seen it yet. I do not anticipate that I will see it until Tuesday.

Senator Di Nino: We have friends!

FOREIGN AFFAIRS

POSSIBLE WAR WITH IRAQ—CONTENT OF SPEECH TO BE GIVEN BY PRIME MINISTER IN CHICAGO

Hon. Douglas Roche: Honourable senators, I have several questions about Iraq for the minister. Will the Prime Minister's speech in Chicago, today, help to calm the present atmosphere in the U.S., which could fairly be described as approaching hysteria? Can the Prime Minister exude some confidence that the international structures for peace, if they are given the support of all countries, including the U.S., will protect the people far better than the prosecution of a war in Iraq?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I do not think that the purpose of the speech the Canadian Prime Minister will give to an American audience this evening, in Chicago, is to calm American fears. I believe that is the responsibility of the American government.

What I know he will do, is present to the individuals gathered, who, I understand, have some expertise on foreign policy, what exactly the Canadian position is, which is that we stand by the United Nations and resolution 1441.

NATIONAL DEFENCE

POSSIBLE WAR WITH IRAQ—
INVOLVEMENT OF TROOPS

Hon. Douglas Roche: Honourable senators, yesterday, the government announced that Canadian Armed Forces would be sent to Afghanistan. Sending Canadian Armed Forces personnel to Afghanistan to act in a peacekeeping role, in the rebuilding of that war torn society, is a good idea. I support it. It is a significant and proper use of Canada's military.

Can the minister confirm that, in the event of war in Iraq, Canada's Armed Forces will not be involved?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I can only repeat what Minister McCallum said yesterday. By this agreement with our allies, to send up to 2,000 troops to Afghanistan to act as peacekeepers, we have undertaken a traditional Canadian role. There will not be many left to send other places. We only have so many troops in this country and we only let so many of them out of the country at any time.

However, we have naval forces and JTF2 forces. No decision has been made with respect to those forces. No requests have been made to us by the United Nations for those troops. I cannot give the honourable senator the kind of absolute guarantee he wants today.

HEALTH

HEALTH AND SOCIAL TRANSFER—DEMISE OF
POST-SECONDARY EDUCATION AND SOCIAL
ASSISTANCE TRANSFERS

Hon. Lowell Murray: Honourable senators, last week, during the first ministers' conference on health, the Prime Minister undertook, on behalf of the federal government that, as of April 1, 2004, the amount of the federal health care transfer would be separated from the block funding mechanism known as the Canada Health and Social Transfer, and a separate and distinct transfer would be created. That would leave, in the CHST, post-secondary education and social assistance.

My question is: What is the government's thinking about those two programs? Is it the government's intention to have two more separate transfers, one for post-secondary education and one for social assistance — which would seem to be the way to go, following the logic of last week's decision — or to leave those two programs in a block funding mechanism such as the CHST?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the honourable senator knows that the reason for making the statement that, for health purposes, the CHT would replace the CHST was to establish greater accountability on how health dollars will be spent. However, no decision has been made with respect to the other two components, the post-secondary education transfer and the social assistance transfer, which at present are bundled in something known as the CHST.

Senator Murray: I appreciate that, of course. The greater accountability, in my humble opinion, will involve not just the provincial governments, who deliver the health services, but also the federal government in the sense of accounting to the public for the amounts of money that are transferred annually. My friend will be more aware than most, that the amount of this transfer is the subject of considerable debate between the provinces and the federal government.

Let me ask the minister whether the provinces are now being consulted about whether they would prefer to have separate transfers for post-secondary education and social assistance, fields in which accountability is arguably at least equally important, or whether they are insisting that those two programs be lumped together or kept together in a block funding mechanism?

• (1420)

Senator Carstairs: My understanding, honourable senators, is that that discussion did not take place at the first minister's meeting because, of course, it was devoted to the health care agenda. Clearly, before any decision is made with respect to the other two components, further discussions will have to take place.

[Translation]

ORDERS OF THE DAY

THE SENATE

COMMITTEES AUTHORIZED TO MEET DURING
ADJOURNMENT OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government), pursuant to notice of February 12, 2003, moved:

That, during the period of February 14 to 24, 2003, the committees of the Senate be authorized to meet even though the Senate may then be adjourned for a period exceeding a week.

He said: Honourable senators, I would like to say a few words on this motion. The Honourable Senator Joyal commented to me that people should not get the impression that the work of the Senate of Canada stops when the Senate does not sit for a week. The committees are an extension of the Senate and the work they do is recognized across the country. This motion allows committees to sit in order to continue the work they have started. At least five committees want to meet next week. I invite all the honourable senators to support this motion.

[English]

Hon. Consiglio Di Nino: Honourable senators, I should like to add to the comments of Senator Robichaud in speaking in support of the motion, which is relevant to our responsibilities as parliamentarians.

When the Senate and committees of the Senate are not sitting, I believe there is still an erroneous impression in the public that we go home, go to bed and sleep. Our offices are still open. Our computers are on sometimes longer than one would like, the fax machines are operating, as are our telephones. I am sure I speak for all honourable senators, when I say that I often receive calls from colleagues or from parliamentary offices late at night and early in the morning on weekends. I think it is time we put on the record that we do not work a 37.5 hour week, and this is certainly not a nine-to-five job.

On behalf of all honourable senators I want to put on the record that our offices still function and our responsibilities continue, whether the Senate is sitting or not.

Hon. Senators: Hear, hear.

[Translation]

Hon. Lowell Murray: Honourable senators, I would simply like to clarify one small thing, not in Senator Robichaud's speech but in the statement made yesterday by the Leader of the Government. She listed the Senate committees that want to sit next week, but she failed to mention the Senate Committee on National Finance.

[English]

It is not because our amour-propre is offended, but rather simply to insist and to reassure those members of the committee who may be wondering, that we are indeed sitting on Tuesday next at 9:30 in the morning when we expect the witness will be the Honourable Sheila Copps, Minister of Canadian Heritage, who is coming to testify on several important policy matters that have been of interest to the committee.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion.

Motion agreed to.

LOUIS RIEL BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Chalifoux, seconded by the Honourable Senator Taylor, for the second reading of Bill S-9, to honour Louis Riel and the Metis People.—(*Honourable Senator LeBreton*).

Hon. Thelma J. Chalifoux: Honourable senators, I should like to ask the Honourable Senator LeBreton whether she plans to speak on Bill S-9 in the near future as I am anxious for this bill to go forward to committee for examination.

The Hon. the Speaker: It stands in the name of the Honourable Senator LeBreton. Does the honourable senator wish to respond?

Hon. Marjory LeBreton: I was planning to speak to it when we are back after the March break. I will try to speak to it during the week after next, but I was planning to do it as soon as we return after the March break.

Order stands.

• (1430)

STATUTES REPEAL BILL

SECOND READING—DEBATE ADJOURNED

Hon. Tommy Banks moved the second reading of Bill S-12, to repeal legislation that has not been brought into force within ten years of receiving royal assent.

He said: Honourable senators, I wish to say a word about the provenance of this bill. Mrs. Pelech was a constituent of mine who wrote a letter in January 2001 to the Honourable David Kilgour in which she inquired about an act, Bill C-37, entitled the Canadian Heritage Languages Institute Act, in which she had a great interest and which she noted had been passed by all three elements of Parliament and had received Royal Assent some time before that. She was asking David Kilgour, with a copy of the letter to me, what had happened to that bill. Mr. Kilgour asked if I would inquire into that matter, as he was heading out of town.

I was new and naive and found out that, in fact, the bill had not been brought into force. I thought, oh, some lordly bureaucrat had stood in the way of the supreme will of Parliament. I got all huffy. My then assistant, who of course knew a great deal more than I did, said, "Senator, it might be a good idea if you read the whole bill, including the little bits down at the end." I took his excellent advice and found a clause called "Coming into Force" in which the government had been authorized by Parliament to invoke this bill and to put it into force whenever it liked, for all intents and purposes.

I thought about it and realized that there are many circumstances in which the government must have, perforce, that kind of flexibility and freedom of action and that sometimes those acts will be brought into force subsequent to another action or in lieu of something else happening. The government needs to have, from time to time, that kind of flexibility.

I decided to inquire, just out of curiosity, as to how many such bills there were. I was amazed to find out how many there were. I would crave the permission of senators to distribute a list that I have obtained in both languages of those acts of Parliament which, according to the *Canada Gazette*, among other sources — this is an unofficial list — have received Royal Assent and are not now in effect.

Do we need a vote on that permission, Your Honour?

The Hon. the Speaker: Senator Banks would like to distribute a document that he has referred to in his remarks. Is leave granted for the distribution of the document?

Hon. Senators: Agreed.

Senator Banks: Thank you, honourable senators.

Honourable senators, I call your attention to the fact that the title of the document you are about to receive says that it is an unofficial list, but it is based on the information that I have to

date. Honourable senators will note that it is a long list — nine pages — of legislation that has been enacted by both Houses of Parliament, has received Royal Assent, and which has never been brought into force.

It occurred to me that there was a reasonable length of time during which that freedom of action ought to be granted to this or any other government, but that there should be some point at which a government would have to come back and ask Parliament again. There is a time at which the circumstances which obtained when the legislation was first introduced, discussed, deliberated and passed would be totally different from the circumstances in which it might subsequently be brought into force and effect, so much so that I saw that there was actually some danger in respect of some of these acts which stayed in the hip pocket of the government, not just the last government and this government but, unless we do something about it, all successive governments, whatever the stripe may be and whatever the circumstances in which they might find themselves wherein these pieces of legislation might come in handy.

I have devised a bill which is now before you, Bill S-12, that says, in effect, that on the first meeting of Parliament in each year, the Minister of Justice shall place before both Houses of Parliament a list setting out those pieces of legislation that have received Royal Assent and are, at that point, nine years or more old. Failing the government doing something in Parliament to reactivate, if that would be the word, those pieces of legislation, they would, on the following December 31, automatically be repealed.

Honourable senators, the ten-year standard is something that I have picked arbitrarily. The mechanism by which the government might reactivate these bills or save them is something that I hope would be addressed by members of a committee who will know a great deal more about those things than I. However, I suggest that a perusal of the list of these statutes would show that 37 of them were passed in 1985 and could be brought into force by a government tomorrow or ten years hence, absent our doing something about it.

I think ten years is a prudent length of time, after which it seems reasonable that any government ought to be obliged to come back to Parliament and say, "We would like to keep this going." Failing that, according to this bill, they would disappear on the following December 31.

On page 6 of the list that is being distributed, honourable senators will see the Maritime Code, passed by Parliament in 1977 and not yet brought into force. Elements of that act deal with situations that no longer obtain. I only use that as a microcosmic example of what I think is a situation that ought properly to be addressed by this bill.

I must tell honourable senators that there are senior bureaucrats who do not like this bill because it is convenient to have these things in your hip pocket, I suppose. However, I remind honourable senators that it is Parliament that ought to make these decisions. It is Parliament that runs this country. As I have heard my honourable friend comment, if they think an act

ought to be kept in place that long after having received Royal Assent without having been brought into force, then they should come and tell us why and justify to us why that would be so.

Therefore, honourable senators, I am hopeful that you will give second reading to this bill, after due consideration, and that it will be sent to the appropriate committee so that that committee can study the implications of the bill and the means by which they might want to amend it in order that the government can retain certain degrees of flexibility or determine that it is their view that the time line ought to be changed. Ten years, as I said, is simply arbitrary.

• (1440)

Honourable senators, I reiterate: It seems that if a bill has been passed through Parliament, given Royal Assent, and come into law, has not been invoked in most cases despite the inconvenience, after 10 years, it should go away. We should look at the question again in the context of the then-prevailing circumstances with which the bill deals.

On motion of Senator Stratton, for Senator Kinsella, debate adjourned.

PERSONAL WATERCRAFT BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Forrestall, for the second reading of Bill S-10, concerning personal watercraft in navigable waters.—(*Honourable Senator Cook*).

Hon. Joan Cook: Honourable senators, I rise today to offer my observations and opinions on Bill S-10, concerning personal watercraft in navigable waters. The purpose of this bill is to provide a method for a local authority to propose restrictions be applied respecting the use of personal watercraft on all or a portion of waterways over which Parliament has jurisdiction, in order to ensure the waterway's peaceful enjoyment and protection of the environment.

A local authority may, after general consultation within the community, adopt a resolution proposing to the minister that the use of personal watercraft be forbidden on designated waterways or that some or all of the restrictions established by the regulations apply to designated waterways.

Honourable senators, the definition for a personal watercraft is a motorized vessel less than 15 feet in length, designed to be operated by a person sitting, standing or kneeling on it, rather than within the confines of a hull. It is my understanding that legislation of the Canada Shipping Act, through regulation, covers the use of personal watercraft, as in Sea-Doos and Jet Skis. The term "power-driven vessel," I believe, covers everything that has a motor, from a punt to a yacht. Recent amendments to the small vessel regulations provided added measures in reducing noise pollution and improving personal safety.

Honourable senators, I grew up in an outport beside the sea, backed by lakes, rivers and ponds. I know from personal experience how unforgiving water of any type, whether salt or fresh, can be. It may be of interest to honourable senators to know that the Province of Newfoundland and Labrador has 34,000 square kilometres of inland water and 29,000 kilometres of shoreline.

The peace and tranquility of our open spaces are near and dear to us all, with leisure time at a premium. As a cabin owner, I understand the need to cherish and protect that dimension. Over the years I have observed many transitions in the pleasure craft industry. As technology evolves we have all witnessed many changes at a rapid pace and, without a doubt, continuous and countless new watercraft will be introduced to the environment. Who knows what kind of craft will come to these bodies of water in the not-too-distant future? The government has a responsibility to ensure the peace and safety of its citizens and the environment.

Honourable senators, at second reading of this legislation, Senator Spivak said she did not expect that Bill S-10 would be needed everywhere and that she hopes it will not be needed on the majority of our lakes and rivers. Its function is to give choices and control over what the senator terms a significant problem in lakes and rivers, a problem that arose some 10 years ago and begs resolution.

Honourable senators, I believe access to water is a right for all Canadians and proper governance of that right is the responsibility of the federal government. When proposing legislation, we must ensure that it is inclusive and for the common good. However, it is my opinion that this legislation would legislate against the users of one type of watercraft. My opinion is that the legislation may speed up the process somewhat, but in general it does not add any improvement or speediness to the current system. Also, the federal regulatory process requirements are the same for any regulations, and Bill S-10 would not be more expedient.

It has been demonstrated to me, through briefings by DFO officials and through extensive reading and research, that adequate legislation is currently in place within the Canada Shipping Act through boating restriction regulations, which are amended as required to satisfy the intent of Bill S-10.

Honourable senators, I look forward to following the debate when this bill goes to committee.

On motion of Senator Stratton, for Senator Kinsella, debate adjourned.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

NINTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the ninth report of the Standing Committee on Internal Economy, Budgets and Administration, presented in the Senate earlier this day.

Hon. Lise Bacon moved the adoption of the report.

She said: Honourable senators, I am pleased to speak to the ninth report of the Standing Committee on Internal Economy, Budgets and Administration.

[Translation]

In this report, the committee recommends that the following funds be released: \$2,750 to the Committee on Foreign Affairs for legislation; \$36,000 to the Committee on National Security and Defence for a special study; and \$43,920 to the Joint Committee on Scrutiny of Regulations.

[English]

Since this is likely the last report for the fiscal year, I should like to thank all committee chairs for their understanding and patience in what has been a difficult and trying exercise. Let me assure you that it was not an easy task, as the committee had to consider demands that far exceeded the total budget.

It is important that I should summarize for honourable senators a few financial facts with respect to committees. The total amount available to committees in 2002-03 was \$2.2 million, of which \$400,000 was set aside for witness expenses and video conferencing. Therefore, \$1.8 million was available for distribution to committees.

[Translation]

During the first session, the amount requested totalled \$3,934,137, of which \$1,762,819 was approved, and expenses of \$589,964 were incurred. During the second session, the available amount was \$1,432,000, once it was realized that the budget for witnesses would not be used in its entirety.

[English]

Up to this point in time, in the second session, the amount requested is \$1,769,484, while the amount recommended for approval, including this report, is \$1,326,087. This leaves some \$106,000 for new requests from now until the end of the fiscal year.

• (1450)

With respect to the process to release any part of these remaining funds, it was agreed by the Standing Committee on Internal Economy, Budgets and Administration that all chairs be asked if they need more funds for the balance of the fiscal year. I would therefore ask that chairs inform the principal clerk responsible for committees and private legislation by next Tuesday if they desire further funds. The steering committee will then consider the applications and report at the earliest opportunity.

I should like to underline the fact that each demand was given serious consideration by the subcommittee and each committee was treated fairly and equitably. I assure honourable senators that the same criteria were applied to each committee. I am pleased to say that we did our work with full transparency. The principles that guided the subcommittee in reviewing the budget applications for 2002-03 are well known.

Honourable senators, I request the adoption of your committee's ninth report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

LEGACY OF WASTE DURING CHRÉTIEN-MARTIN YEARS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator LeBreton calling the attention of the Senate to the legacy of waste during the Martin-Chrétien years.—(*Honourable Senator Robichaud, P.C.*)

Hon. Consiglio Di Nino: Honourable senators, I thank the Honourable Senator Robichaud for allowing me to speak on this item that stands in his name.

I am pleased to rise today to speak to the inquiry into the legacy of waste during the Martin-Chrétien years. Senator Stratton made some remarks on the Employment Insurance program that I thought were rather mild. I should like to bring some additional focus and add some additional facts by briefly reviewing the history of the rates that were set during the tenure of Paul Martin and Jean Chrétien and by reminding senators of the views expressed at various stages.

While the Martin-Chrétien government turned the EI program into just another tax, there was a time when they saw profit-insensitive taxes as a problem. In the 1993 election, Jean Chrétien promised to work with the provinces to examine moving away from profit-insensitive methods of taxation. In response to a questionnaire published by the *Edmonton Journal* on October 3, 1993, he said that he would discuss with the provinces joint reductions in payroll taxes to generate more incentives to create jobs.

In February 1994, former Finance Minister Paul Martin told Canadians in his first budget:

Payroll taxes are a barrier to jobs.

His context was a set of Employment Insurance benefit cuts and changes to the social safety net that were supposed to allow for lower EI premiums — not a huge EI surplus, but lower premiums.

On August 31, 1994, the *Ottawa Citizen* reported Mr. Martin as saying:

We think that high payroll taxes are a cancer on the economy.

A few months later, two government departments further declared, in background papers, that payroll taxes were a problem. The Department of Finance, under the direction of Paul Martin, said, in an October 1994 policy document called "A New Framework for Economic Policy":

Total payroll taxes in Canada have been rising steadily relative to average wages.... The effect of imposing a payroll tax — which is typically paid in part by both employer and employee — is to increase the effective wage cost to the employer and to decrease the take-home pay of the potential employee. The payroll tax drives a wedge between the two. This makes a wage bargain harder to reach and this raises unemployment relative to the situation in which there is no tax, or a lower tax.

Industry Canada, under the direction of John Manley, asserted in a 1994 policy document called "Building a More Innovative Economy" that:

Payroll taxes raise the relative cost of labour, creating a disincentive for firms to create jobs. Because they are not related to sales or profitability, payroll taxes put additional pressure on firms during cyclical downturns.... If we are to ensure strong economic growth, governments, both federal and provincial, should reduce disincentives to job creation.

Paul Martin himself told the House of Commons Finance Committee, on October 17, 1994:

We believe that there is nothing more ludicrous than a tax on hiring. But that is exactly what payroll taxes are.

He recognized it, at least.

However, a few months later, in the February 1995 Budget, the Liberals gave their first hint that they were thinking of using the EI program to pad the surplus. Canadians were told, on page 56 of the Budget Plan:

Improved employment conditions are rapidly eliminating the deficit in the Unemployment Insurance Account which had already reached almost \$6 billion in 1993. With no increase in premium rates, the cumulative surplus in the Unemployment Insurance Account will be allowed to rise to above \$5 billion through to the end of 1996. This surplus will be maintained and used as a buffer to mitigate unemployment insurance premium rate increases during periods of slowing economic growth.

Honourable senators, the prospect of a \$5-billion surplus in the EI Account did not set off any loud, clanging alarm bells. No one would have guessed that the words "allowed to rise to above \$5 billion" meant that the sky is the limit.

In my opinion, Paul Martin clearly misled both Parliament and Canadians as to his true intent. A \$5-billion cumulative surplus would not have been allowed under the legislation as it stood, so the government just changed the law. The critical alteration was slipped in amid a number of other changes to the program.

When Human Resources Development Minister Lloyd Axworthy tabled the necessary legislation on December 1, 1995, Canadians again were told basically the same thing, in a background paper:

Instead of reducing premiums further at this time, the government has decided to build a rainy day reserve to ensure that premiums are held stable during periods of economic downturns. Under this scenario, the UI reserve will reach \$1 billion at the end of 1995, and as stated in the 1995 Budget, "be allowed to rise above \$5 billion through the end of 1996."

This reserve will enable Employment Insurance to reinforce its traditional role as an economic stabilizer that pumps money into the economy during periods of recession, thereby cushioning the extent of the downturn and preserving jobs.

• (1500)

By the fall of 1996, with the EI Account about to grow into a considerable surplus, the government was singing a completely different tune. The Liberal majority on the Finance Committee, on page 45 of their pre-budget report entitled "The 1997 Budget and Beyond: Finish the Job," said that "the case is not clear that payroll taxes are killers of jobs." However, they did acknowledge that there are limits to the EI surplus, stating, on page 47 of the same report:

The Committee believes that a prudent EI surplus will better guarantee stability in premiums over a full economic cycle. That does not mean the Committee believes the surplus should continue to build in an unlimited way.

On the eve of his 1997 budget, Paul Martin suggested that, at the then current levels, payroll taxes would not be a killer of jobs — changing his mind — but rising payroll taxes would be. He told the following to a CBC town hall meeting on February 20, 1997:

There is no doubt that when payroll taxes rise, that can have an effect on jobs.

Mr. Martin ignored the fact that workers and employers pay not just EI, but also CPP and QPP. His EI reductions have fallen short of offsetting CPP and QPP contributions. In the case of CPP and QPP, there is at least the valid reason of ensuring that there is enough money to pay for our pensions down the road. In the case of EI, the only reason seems to be to make the government's books look better.

By the late 1990s, the EI program had racked up a large cumulative surplus. Since those surpluses are part of the overall surplus of the government, Paul Martin was anxious to ensure the premiums remained as high as possible. It would have been difficult for him to show large surpluses without the extra money sloshing around the EI Account.

To keep premiums from dropping, he had to deal with two barriers. The first was that an independent commission was part of the rate-setting process. Technically, under the Employment Insurance Act, premiums are set by the Employment Insurance Commission with the approval of cabinet and on the recommendation of the Minister of Finance and the Minister of Human Resources Development. The commission itself includes representatives from business, labour and government.

The second problem is that, even with the changes made in the government's first mandate, the act did not contemplate the account continuing to receive more revenue than was needed to maintain stable rates or meet the needs of a business cycle. Section 66 of the Employment Insurance Act states:

The Commission shall, with the approval of the Governor in Council on the recommendation of the Minister and the Minister of Finance, set the premium rate for each year at a rate that the Commission considers will, to the extent possible,

- (a) ensure there will be enough revenue over a business cycle to pay the amounts authorized to be charged to the Employment Insurance Account; and
- (b) maintain relatively stable rate levels throughout the business cycle.

What was the size of cushion to meet these objectives? In the fall of 1997, with the cumulative surplus approaching \$12 billion, Michel Bedard, the program's actuary, said in his "Chief Actuary's Report on Employment Insurance Premium Rates for 1998":

At the upper limit, our estimate is that a reserve of between \$10 and \$15 billion — attained just before a downturn — should allow meeting of all the costs during a downturn.

He also said:

The average premium rate required to pay for program costs throughout a business cycle can be estimated to range from between 1.90 per cent to 2.10 per cent.

He went on to conclude that rates could be cut to 2.5 per cent or 2.6 per cent in 1998, falling to 1.9 per cent in 1999. The government instead set the premium at 2.7 per cent in 1998.

A year later, in the fall of 1998, with a cumulative surplus approaching \$19 billion, he again noted in his "Chief Actuary's Report on Employment Insurance Premium Rates for 1999," that a reserve of \$10 billion to \$15 billion in the EI Account would be adequate, and that the average premium required to pay for program costs through a business cycle were in the range of 1.9 per cent to 2.1 per cent. He also told the government that, in a worst-case scenario, "there would be little risk in setting a premium of 2.3 per cent," but he went on to say:

It is likely that a rate as low as 2.0 per cent could also be set for 1999 and kept for the indefinite future, under almost any set of unemployment rates.

However, thanks to the Minister of Finance, Canadians paid a premium of 2.55 per cent in 1999.

In the fall of 1999, with the EI surplus approaching \$26 billion, much the same advice was offered, but with a 2.25 per cent premium for 2000 as the rate for a worst case scenario and 1.95 per cent as a rate that could be set for 2000 and the indefinite future. However, Canadians, thanks again to the Minister of Finance, paid a premium of 2.4 per cent in 2000.

By the fall of 2000, it had become increasingly difficult for the EI Commission to set premium at rates that were more in tune with the government's revenue objectives than with the spirit of the Employment Insurance Act. At that time, it was clear that, by the end of the year, the surplus in the account would be two to three times what the actuary said was needed.

The government's solution was simple: strip the EI commission of its role in setting premiums for two years while the government studied how to set the rates. Instead, the Chrétien cabinet, on the advice of the finance minister and the human resources development minister, would then set the premium rates. Paul Martin would not have to worry about convincing the EI Commission about the need to keep premiums artificially high.

On the same day the government announced its EI changes in September 2000, the then Auditor General Denis Desautels noted in his comments on the Public Accounts of Canada for the 1999-2000 fiscal year, that the EI surplus stood at \$28 billion in March 2000, more than double what the EI Actuary said was needed. He went on to say:

In view of the size and the continued growth of the accumulated surplus, it is important that the Commission clarify and disclose the way it interprets the Act in setting premiums. In my opinion, such clarification and disclosure are necessary to ensure that the intent of the Employment Insurance Act has been observed.

While the necessary legislation did not pass before the end of 2000, the commission, on the recommendation of the Ministers of Finance and HRDC, did agree to set premiums for 2001 at the 2.25 per cent rate assumed in the budget. That was done in spite of new data from the "Chief Actuary's Report on Employment Insurance Premium Rates for 2001," giving 2.10 per cent as the amount needed to see the program through a recession in a worst-case scenario, but also stating the following:

It is likely that a rate as low as 1.75 per cent could also be set for 2001 and kept for the indefinite future.

The Hon. the Speaker: I regret to interrupt the Honourable Senator Di Nino, but his time has expired. Does the honourable senator request leave to continue?

Senator Di Nino: Yes.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Di Nino: A year later, with the government in full control of rate setting, it had a new report from its Chief Actuary. In "Outlook for Premium Rates 2002," the government was told that the EI program would likely break even on a premium of 1.57 per cent. Instead, the premium was set at 2.20 percent.

• (1510)

Finally, last fall, in "Outlook for Premium Rates 2003," the Chief Actuary estimated that the break-even point for this year would be \$1.75. Instead, Canadian workers are paying \$2.10.

The end result is that the actuary estimates that, by this December, the cumulative surplus in the EI account will hit just under \$45 billion. That is a nice sounding round number, \$45 billion. Of this amount, some \$19 billion has come from workers and \$26 billion has come from those who employ them. Job creation. Folks, think about it.

Honourable senators, the history of setting the EI rates under Paul Martin and Jean Chrétien is significant. It shows a clear pattern in which the government could not keep its hands off this cash cow, milking it for every cent they could extract. To that end, the purpose of the EI commission was subverted, its work and recommendations ignored and sabotaged.

Honourable senators, the Liberal government's treatment of this venerable program to assist unemployment has been shabby and shameful, and it is a disgrace that continues to this day. While I hope the forthcoming budget will finally reduce the premium rate to at least bring this year's revenue in line with this year's expenses, I expect that we will be disappointed yet again by the Martin-Chrétien government's insidious and perfidious money-grubbing ways when it comes to the EI fund. Waste and mismanagement have been a hallmark and lasting legacy of this government.

On motion of Senator Robichaud, for Senator Bryden, debate adjourned.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the eighth report of the Standing Senate Committee on Social Affairs, Science and Technology, presented earlier this day.

Hon. Jane Cordy, for Senator Kirby, moved the adoption of the report.

Motion agreed to and report adopted.

SANCTIONING OF MILITARY ACTION AGAINST IRAQ UNDER INTERNATIONAL LAW

MOTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Roche, seconded by the Honourable Senator Taylor:

That the Senate notes the crisis between the United States and Iraq, and affirms the urgent need for Canada to uphold international law under which, absent an attack or imminent threat of attack, only the United Nations Security Council has the authority to determine compliance with its resolutions and sanction military action.—(*Honourable Senator Rompkey, P.C.*)

Hon. Peter A. Stollery: Honourable senators, I rise to say a few words about the inquiry that was initiated by the Honourable Senator Roche on the Iraq crisis.

As we all know, events are unfolding before us, and one finds it impossible to make any kind of prediction. I personally view with astonishment, these unfolding events. Privately, I have said from the beginning that the Americans will not go to war. That has been my position from the beginning. I may be wrong. Certainly, there have been days when I have thought that they were going to invade. I still question whether they will.

I oppose invading Iraq. I go further than Senator Roche in his inquiry, in which he says that a further sanction from the UN Security Council would be required. I support Senator Roche in that regard. However, I wish to explain to honourable senators some of the implications of all this and why I find it difficult to believe that it will go ahead, though it may.

In 1958, I was a student in Cairo, when Nuri as-Said and King Faisal were murdered. I met a man in Cairo who astounded me with a story of how the decapitated body of this famous figure in Iraqi history had been dragged in front of him as he was standing in a doorway. Iraq has had a long and sad history since the break up of the Turkish Empire.

I must say that, of course, I do not support the present dictator of Iraq. However, I think the implications of invading the country are simply astounding. I wrote a few of them down. The other day on the CBC, I heard that the Americans have asked the Kurds if they would allow Turkish troops into Kurdistan under Turkish officers. That was the report. That is crazy. The Kurds are already divided into two groups and have had a rather difficult history. The Turkish public is totally opposed to the invasion of Iraq, from the information that we all have, but the Turkish military is being bribed by the Americans.

What are the implications of that? Turkey has an application before the European Union. What happens if there is an overthrow of the democratically elected Turkish government? What will that do, for example, to the application of Turkey to join the European Union, which, I think, would be an important step toward a peaceful resolution of this ridiculous difficulty between Christian countries and Islamic countries. It is important that a major Islamic country become a member of the European Union.

I have followed events in that part of the world for a long time, since I lived in Algeria during the civil war. I believe that the resolution around the Mediterranean should be a peaceful resolution. I do not see any benefit to killing. Many innocent people will be killed, and any war will only lead to an even worse situation. Everybody knows that.

What about the Israel-Palestine issue? It must be resolved. We will not get peace in that part of the world if it is not resolved. I am not party pris; I do not have a favoured party, but that issue must be dealt with. No one wants to deal with it. Rather than deal with it, however, many people are planning an invasion of Iraq, which will lead to enormous difficulties. I recommend to anyone here Winston Churchill's great book, entitled *Great*

Contemporaries. In it he talks about his problems with Iraq in 1922, when the British had 22,000 soldiers stationed there. He said it could not go on like this; we cannot have it like this; we must resolve it. The settlement, which continues to this day, was the Hashimite kingdom of Iraq and its neighbouring kingdom, Jordan. There is a story here, honourable senators.

I am taking advantage of the inquiry of Senator Roche to put a few of my personal thoughts on record. I do not believe many people think that Iraq has intercontinental ballistic missiles. I do not believe that many people believe that it has a nuclear capability with intercontinental ballistic missiles, which would be not a good thing for anyone.

Concerning sanctions, we all know what happens with sanctions. Sanctions do not get the dictator; they always get the poor people. They are the people who do not get the medical supplies, and so on. In my opinion, this has been the most stupid approach to an international problem that I have seen for many a year.

• (1520)

I realize that not everyone would agree with me, but I see a situation with no exit strategy. I have said that they will not do it, but then I ask: Where is the out? How do they get out of it? At this point, it seems to me, the Americans have lost their manoeuvrability. If they do not go in, they will be viewed as being weak. If they do go in, that will have huge implications. I cannot imagine being in such a position in international relations.

I want to touch for a moment on the implications for Canada because we have become an unintended victim. A reasonable person would say that the most obvious victims will be the Iraqi people if this goes any further, as well as people in the Israel-Palestine area. As for Canada, 35 per cent of our gross domestic product is dependent upon trade with a country that is about to go to war and that sees itself as under attack from international terrorism — whatever that is.

In order to maintain the current standard of living in our country, we have to send a truck across the Canada-U.S. border every 2.5 seconds. That is 35 per cent of our GDP. Naturally, the Americans are concerned with that border, given the Iraqi situation and given the attack that killed more than 3,000 people at the World Trade Centre. Naturally, the Americans are conscious of their border. As a Canadian who is interested in Canadian jobs, in the Canadian standard of living, I am interested in that border too. Without question, we have become hostages of this dependency. Now that a war is very seriously being contemplated, where does that leave Canada?

Honourable senators, I first went to the Middle East in 1958, quite a few years ago. I have lived in many Arab countries. I do not know what people are talking about when they talk about the Hajj having something to do with terrorism. I have never heard such ignorance in my adult life as when I hear people talking about Muslims as if they are some different kind of people from us. That is so ridiculous to anyone who knows anything about it. People will be killed unnecessarily and that should not be.

Honourable senators, I apologize for using the motion of Senator Roche to put some of my own thoughts on the record. Those are just my personal observations.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker: Will the Honourable Senator Stollery entertain questions?

Senator Stollery: Of course, honourable senators.

Hon. Douglas Roche: Senator Stollery should not apologize. He should proclaim with pride what he has just said. I want him to know how much I welcome his intervention in this inquiry. I will try to phrase this question as briefly as I can, honourable senators.

Senator Stollery has touched on some very important points, many of which could stand some elaboration. He seems to have a real doubt about the motivation of the coming war, if there were to be a war, and it being based on the premise that Iraq has weapons of mass destruction. He said that Iraq does not have the capability to inflict the kind of damage that would result from the use of those weapons.

Would Senator Stollery be in favour of the French-German-Russian plan to put in more inspectors, almost on a permanent basis, to assure the world community that Saddam Hussein can neither hide nor develop weapons of mass destruction with such massive continuing inspection? This is a serious proposal that has been put forward by important countries and supported by a former president of the United States, President Jimmy Carter.

Senator Stollery brings to this debate his wide experience. He has already mentioned that he first visited Iraq in 1958. He has been chair of the Standing Senate Committee on Foreign Affairs. That was an important intervention that Senator Stollery made today. I repeat that I welcome it.

I should like to hear his opinion about this alternate plan which has been put forward by Russia, France and Germany.

Senator Stollery: Honourable senators, that is the Rambouillet plan. Essentially, it looks like the same plan that was put forward in respect of Serbia and which was not accepted for all kinds of reasons. Generally speaking, I am for any plan that avoids going to war. I believe there is also a proposal to employ UN soldiers.

I am in favour of more inspectors, if that is required, even if they have to stay there permanently. I would remind everyone that the reason the inspectors left was not because they were kicked out by the Iraqis; they were withdrawn because the Americans and the British were going to bomb Iraq. There is the impression that the inspectors were turfed out by the Iraqis. That is not the case. As to the plan put forward by the French and the Germans — and I am not sure if it is supported by the Russians — I support putting in more inspectors. I agree.

The Hon. the Speaker: I regret to advise honourable senators that Senator Stollery's speaking time has expired.

Senator Prud'homme: Is there consent that he continue?

The Hon. the Speaker: It would be up to Senator Stollery to ask, if he wanted to extend his time. Otherwise, we will go on to another speaker, or perhaps Senator Rompkey will ask to adjourn the debate.

Hon. Marcel Prud'homme: Honourable senators, I wanted to ask questions so, instead, I will speak to the motion. I wanted to keep my powder dry for later.

I have known Senator Stollery for many years in the Liberal caucus and here. I wanted to ask him why, as chairman of the most influential — in my view — committee of the Senate, he has never seen fit to have a study or a briefing session on one of the most important issues of the day. I told the honourable senator this privately. I have tried to smile, to cajole, to flatter; I do not know what else.

There used to be a city in China called the Forbidden City. It is now open. I visited there under Mao when it was forbidden. For the information of new senators, the Middle East discussions are the "forbidden subject" in this country's Parliament, in the House of Commons but especially in the Senate.

• (1530)

The last time we had a study on these issues was under the most distinguished chairmanship of Senator van Roggen. There were three years of study, all over the Middle East. Everyone was in agreement until the very last day, when a new senator joined in and bastardized the situation saying that every member who sat on that committee was an anti-Semite. We can go back to a 1984 press conference. Senator van Roggen never recovered. Senator Lapointe, distinguished Speaker, was a member. Senator Murray was a member. Senator Hicks, chief fundraiser for the B'nai B'rith of Canada and an ex-premier of Nova Scotia, felt insulted at being accused of being an anti-Semite.

We have refused to take that question as we should here in the Senate of Canada. I have been here, and new senators had better learn why I am an independent. It is because, on this issue, one morning, I became fed up. Unfortunately, I lacked patience. I should have taken the day off. I would still be in the Liberal caucus. I resigned the same day. When I came to the caucus here, I came as an independent senator.

Why do we not study these issues? I just arrived from Foreign Affairs. That is why I was late. The questions are always the same. Let us return to the roots of the problem. The roots of the problem will help us solve what is happening in the Middle East between the Israelis and the Palestinians, and all of the rest follows.

There was a similar debate in 1990-91. The vote was on January 22, 1991, when the chief government whip of today voted with me. The Liberals were supposed to vote against in the morning, and they collapsed that day. I related that story to honourable senators last week. By the end of the day, the NDP and only four Liberals voted against that resolution.

Why are we scared to call a spade a spade? I came to the Senate. My first request to Senator Carstairs and to others was to sit on the Standing Senate Committee on Foreign Affairs. I was told to ask to sit on any committee I wanted, but I will not get that one. Why? I said it here, openly. I know why. There is a veto. Now I am on the Standing Senate Committee on Banking, Trade and Commerce. Can you imagine Senator Prud'homme on the Banking Committee? I do my duty. I accepted. I am conceding. I will do my utmost. I am happy to sit under Senator Kolber, an extremely good chairman. He and I will never agree on the Middle East question.

As a matter of fact, when I was elected chairman of the national Liberal caucus against Sheila Copps in a secret ballot, he resigned as the fundraiser of the Liberal Party, even though I was elected in an open, democratic election.

I ask again, why are we afraid to call a spade a spade? Who the hell is Saddam Hussein? You do not think I will defend Saddam Hussein, but when did he become this great Satan? Was he a great Satan when the United States of America and everyone armed him to the teeth against Iran for eight or nine years? Did he stop being a great Satan when he was told by the Ambassador of the United States, "You claim Kuwait. We have no opinion on it," hoping he would attack? Did he ever attack. Now he is staying where he is. No one is defending that man.

The question is: Are we afraid to discuss these issues openly in the Senate? I have a motion standing on the Order Paper, so I will not take the time of honourable senators now. I did not expect to speak today.

Honourable senators, we may be in immense trouble. The most prestigious committee of the Senate has not even had one meeting or briefing session to call in the Israeli ambassador — with whom I have a very good relationship — as well as other ambassadors, bureaucrats and businessmen to hear what Canada can do with regard to this question. Canada can do so much. We are loved everywhere, and we are losing that respect every day.

My country, Canada, is respected. Canadians are loved all over the Middle East. Now they are beginning to see that we are not the kind of Canada that they like.

We talk about the resolution of the United Nations. My father told me — and I know some of the older senators are sick and tired of hearing it — to never talk about human rights unless you believe in the universality of human rights. If you believe in the universality of human rights, you cannot pick and choose. That is the same for the United Nations resolution. We cannot pick and choose the resolutions that we like. We apply them equally or we shut up in the name of sanity and honesty.

Why do we apply to some what we do not apply to others? Do honourable senators think that people in the world are blind? There are 2 billion Christians in the world. There are 1.2 billion Muslims in the world in over 55 countries. For those who think that "Muslim" means Iraq, even one minister one night said, "I am so happy that the ambassador of the biggest country of the Muslim world is here." He was referring to Egypt, while the

ambassador of Indonesia was sitting next to him, where there are 200 million Muslims. That is the degree of our education and knowledge.

I believe that Canada has immense responsibility. Honourable senators will see that in the speech that I have written on the resolution.

On November 29, 1947, a resolution was put forward for a vote, in large part because of the great ability of Mr. Lester B. Pearson. I was elected under Pearson, but he was then a secretary of state or a deputy minister. He was known as the great facilitator. Thirty-three countries voted for UN resolution 181, written partially by Judge Rand of the Supreme Court of Canada. Thirty-three countries, all Christian, all Catholic, voted in favour, and there were 13 against and 10 abstentions. Two of the ten were China and Great Britain.

We have a responsibility. I went with Prime Minister Chrétien to the Middle East. I went to Israel on his long trip. They said of him: "You are a successor to the great Mr. Pearson. He is known here as the Balfour No. 2." That means we have responsibility. We are "héritiers."

When will the Standing Senate Committee on Foreign Affairs have the courage to give us briefings so that we can keep our great reputation as supporters of the United Nations?

In 1947, Canada was at the forefront of the problems of the day. Yes, I will say it: We were at the forefront; and look at what has happened since.

We talk about the arms race. What a hypocritical arms race. We talk about arms of mass destruction. Who used the first two nuclear arms? Of course, they were used on "the yellow." I am sorry to use that term, but I am so full of anger, but respectful. We dropped the bombs. They were Japanese. There was not one bomb but two. Those are arms of mass destruction.

Who used chemical weapons and where? The Americans used them in Vietnam. There is a book written about what Trudeau made me do, to accept 35,000 or 40,000 American deserters and draft-dodgers. I paid the price for it. However, I was willing to do it.

• (1540)

I have seen so much hypocrisy on this issue. As soon as they speak like me, they whisper. I can name colleagues who are here now. They say, well, you know, Senator Prud'homme, he is anti-Jew, but they have never dared say that outside of this place because I will sue them. There is a sickness. It is anti-Semitism. I have at least 50 quotes from the House of Commons where I say anti-Semitism is a cancer that eats you from inside, and I am very healthy, and I do not want to have that kind of sickness.

However, I have the right to have opinions on the Middle East that are not the views of some powers of Canada, powers that are the forces of hate!

[Translation]

These hidden forces prevent us from seeing reality. What can Canada do in this world gone mad? Bank on its fine reputation? Take extraordinary initiatives? The world expects something of Canada, but not that we will be at the beck and call of our friend and neighbour to the south! Canadians, play a lead role! Everywhere I go, I am asked how we manage to coexist.

[English]

We are a miracle to the rest of the world: How can you cope with each other with various backgrounds, religions and regions? That is what Canada is all about. That is what Canada has to offer.

Are we, honourable senators, doing what we can do? Are we offering to the world our expertise, our *savoir-faire*, or are we a bunch of hypocrites who pay lip-service to the First Nations? We love them, but we say something else in private, or you hear, "The French, you must accept them, they are so confounding." I never use that word any more. That is not the kind of Canada people expect. No initiative.

My greatest sadness, and I say it to Senator Carstairs, was to have my request to become a member of the Foreign Affairs Committee turned down, time and time again. I was good enough for Pierre Trudeau for over 10, 12, 14 years as the only Chairman of the Committee on Foreign Affairs and National Defence and CIDA. He trusted me then. Here; I am so close to the door, I still do not know after ten years if you want me in or out.

However, on this issue — who said "I feel the same"? No, who? Senator Day, Senator Phalen? I want people to stand up. I belong to the British parliamentary system, one of the best systems in the world. If anyone would like to get up, get up on your feet. Disagree, that is the parliamentary system, and I will go and have a drink with you after, if need be.

Honourable senators, this is a good resolution. We should vote on it. We should be unanimous on this. There should not be debates and speeches as I have just made. The debate is scattered because I did not know there was going to be a debate today.

I am proud because at long last my friend, Senator Stollery, raised the issue. I look around at all the honourable senators who know the story of Senator Prud'homme. Senator Smith, my friend. Senator Robichaud, you sat with me. Senator De Bane, you sat with me. Senator Pèpin, Senator Baker who was here. All these people who sat with me in National Liberal Caucus. Everyone let me do anything. I could go everywhere in Canada. However, on the issue of the Middle East, I was a pariah. I will be a pariah.

There is only one country that still makes sense because of the love that the world has for us and the trust that they have for us. It is called Canada. Do honourable senators want me to spell it differently some day? I can. It is called Canada. An initiative should be taken, honourable senators, and I appreciate your patience with me.

Some Hon. Senators: Hear, hear!

On motion of Senator Rompkey, debate adjourned.

PANDEMIC OF HIV/AIDS

INQUIRY

On the Order:

Resuming debate on the inquiry of the Honourable Senator Oliver calling the attention of the Senate to the pandemic of AIDS-HIV which is sweeping across some of the most heavily populated countries in the world, such as India and China, and is in the process of killing 6,000 Africans per day, and the role that the Government of Canada could play in fighting the disease which is destroying much of the emerging third world.—(*Honourable Senator Jaffer*).

Hon. Mobina S. B. Jaffer: Honourable senators, I begin by drawing your attention to this important issue of AIDS. The time has passed when AIDS could be strictly a health problem. It now impacts on the social, economic, cultural and political structures of most countries.

My most memorable experience with this difficult issue came when I returned to my country of birth, Uganda, in 1990. I was shocked to discover the massive changes that the epidemic of HIV/AIDS had brought not only on the people, but the society and the country, itself.

During my trip, I went back to the park that I used to visit as a little girl every Sunday with my family. The serene landscape that I remembered was no longer there. The park was filled with homeless children who no longer had another place to stay. In the past, young people in Uganda would always be cared for by their family. The AIDS epidemic has removed not only their immediate family, but their extended family as well.

When I spoke with the children in the park, I quickly realized that they were not children any more; they had been forced to become young adults, trying to survive on the streets of Kampala. When I lived in Uganda, we had a saying: It takes a village to raise a child. There are now no villages left, and the children must raise themselves.

I tried to wrap my head around the magnitude of this disease. More than 42 million people worldwide are infected with HIV/AIDS. That is more than the population of Canada. Yet, it is the impact that those numbers have on each village and community that is most striking. An entire generation has been lost. The young people who used to be teachers, politicians, religious leaders, farmers, poets, mothers and fathers are all sick or dying. Those who are still healthy have to take on the additional burdens of an often overstretched society.

The Canadian approach to development, as much as our approach to HIV/AIDS, cannot be addressed in isolation. AIDS contributes to problems such as chronic under development and instability. However, all of these factors also contribute to the spread of AIDS. As Senator Morin stated, this becomes a vicious cycle. These challenges will have to be addressed holistically if we are to be successful.

Although primary health care and drug programs are important, the AIDS epidemic can never be fully addressed without attention to its root causes. Canada has been a leader in integrating HIV/AIDS as a priority in multiple aspects of our development assistance program. Initiatives that reduce poverty, promote education and training, and provide employment opportunities contribute to breaking the cycle that has led to the AIDS epidemic. This all-encompassing approach brings together communities, governments, spiritual leaders and medical professionals. Yet, it is important to recognize that some populations are more vulnerable to HIV/AIDS infection than others.

From a purely biological perspective, women are three to five times more susceptible to HIV infection than men, and constitute more cases. Women also have the fastest growing rate of new infection. Again, we cannot address biology in isolation.

The power differences and socio-economic inequities that women experience increase their vulnerability to AIDS. For instance, in most societies, men customarily have the more dominant role in sexual relationships. Women are rarely in a position to insist on safe sexual practices or to refuse sexual advances. Male gender roles also contribute to this challenge by encouraging men to have multiple partners and by discouraging men from inquiring about safe sexual practices.

• (1550)

Moreover, because of the gaps in most societies between men and women in education, income and status, women are often dependent on men to support them and their children. Yet, because of the high infection rates, women often have to take on additional roles, such as primary breadwinner for the family, nurse for the sick and dying, and parent to the orphaned children. Therefore, addressing gender roles and power dynamics between men and women is central to dealing with the AIDS epidemic.

Canadian development assistance has focused on providing services specifically targeted at women in areas such as education, training and access to health care. We have found that improving self-confidence and informing women of their rights increases their bargaining power in sexual relationships. Furthermore, Canada's approach tries to improve family living standards, increase employment opportunities and increase stability, all of which indirectly contribute to slowing the spread of AIDS.

Although Canada has taken a leading role, there is still much work to be done. There remains a stigma attached to AIDS that creates a barrier to openly discussing prevention and treatment. This code of silence needs to be broken. As new money becomes available, we will need to ensure that we address a broad range of issues related to the epidemic. Canada should use its influence to ensure that a multifaceted approach is used to address the diverse causes and impacts of the epidemic.

Honourable senators, we need to continue to support the excellent work that has been done to address AIDS as an integrated, community-wide issue. We need to ensure that people around the world suffering from this disease and its effects are not forgotten and that more resources are made available to assist them.

[Senator Jaffer]

I started my intervention today by telling honourable senators about when I visited Uganda in 1990. Thirty years ago as a young bride, when I went to my husband's village, I passed many other villages on the way. In 1990, when I went to visit my husband's family, those villages on the way had all disappeared. That is the effect of AIDS. This is a serious issue for people the world over. With my own eyes I saw villages where there were little children and elders, but no one in the middle, nobody to care for the children or the elderly. The young adults had disappeared. That is the effect of AIDS.

I call upon all my colleagues in the Senate to ensure that addressing HIV/AIDS throughout the world remains a priority of our government.

Hon. Senators: Hear, hear!

The Hon. the Speaker: If no other honourable senator wishes to speak, the inquiry is considered debated.

[Translation]

SERVICES AVAILABLE TO HEARING IMPAIRED USERS OF PUBLIC TRANSPORT

INQUIRY—DEBATE ADJOURNED

Hon. Jean-Robert Gauthier rose pursuant to notice of December 10, 2002:

That he will call the attention of the Senate to the difficulties faced by the deaf and hearing impaired in availing themselves impartially and in full equality of the information and safety procedures available to Canadians at airports, on aircraft, in ships and on all forms of public transport.

He said: Honourable senators, I have raised this issue before. I take a personal interest in it, being myself hearing impaired. I am not alone; there are nearly three million hearing impaired people in Canada. There are 28 million in the United States, and some of them do visit us from time to time. I sometimes travel with great difficulty on the various modes of public transportation. This is what I wanted to address today.

[English]

The deaf and hard of hearing are dependent upon assistance to access daily information. They must take advantage of modern communications such as television programming through captioning, subtitles on public notices, available sometimes from monitors in public places, and safety instructions on public transportation. There are many other instances where hard of hearing people must depend on safety instructions in a form that they can understand. In some instances, it could be through captioning, in others, through sign language. It is a question of equal access.

I have experienced various public transportation modes in the last few months. I went to Edmonton. I went to Vancouver.

[Translation]

I travelled to Montreal, and to the Magdalen Islands. I therefore used the three modes of transportation: air, rail and water. This turned out to be a rather stressful experience for me. I flew on Air Canada to Edmonton...

[English]

In Edmonton, I went to visit NAIT, the Northern Alberta Institute of Technology, where they train people in real-time reporting — technicians who have an ability, a skill, to put into writing what people normally would access through hearing. It is very important. There used to be two schools, one in Vancouver and one in Alberta. As I said, I visited both last fall.

I travelled by Air Canada. If you are deaf, you have no way of knowing where to go unless a friendly person directs you or helps you. When you get on the plane, there are absolutely no instructions given for people who are hard of hearing or have hearing difficulties — absolutely none. Yet, when they show a film during the flight, the commercial advertising — wine, for example — was captioned. I could read on the commercial advertisement what the people were saying, but they did not use captioning for security notices. I asked them why. The answer was simple, "The screen is too small." I asked the lady, "Why can you sell wine on the small screen but not get safety security instructions on the same screen? That does not make sense." She said, "That is what I have been told." I said, "Well, we will change that." It is possible, but there has to be a will.

I travelled by train from Ottawa to Montreal.

[Translation]

I visited the Centre de recherche informatique de Montréal, or CRIM, which has a staff of 80 or 90. This is fascinating. It is conducting research on computer-based voice recognition. CRIM is working on a system to capture the spoken word and put it into writing. This technology is still in the research stage. It is not as advanced as we would like it to be. TVA has invested \$500,000 in this research. The Government of Quebec also invested in voice recognition research.

• (1600)

As far as I know, the federal government has not yet gotten involved. However, it would be useful. It is not only the hearing impaired who need these services. The courts use these services constantly. I have access to real-time reporting for sittings of the Senate and committee meetings. I could not work without it.

However, this requires technicians. Right now, there is no real-time captioning training available in French. However, I have good news. Since I have brought it up over and over, the Cité Collégiale in Ottawa will be offering a course in it this September. I am very happy about that. Now there will be English training in Edmonton and French training here in Ottawa.

However, this is not enough. The demand is still greater than that. I am trying, despite the few means at my disposal, to convince Algonquin College to offer the course in English in

Eastern Canada. We have the technology, we just need to recruit students and interest people in this skill. It is not easy. It requires a good command of written and spoken French and English.

[English]

You cannot have a bilingual system. The dictionary on the computers that they use is either in French or in English.

[Translation]

You cannot have both the *Oxford* and *Le Petit Robert*.

[English]

It is essential to train people in either English or French. Let me be very blunt. I have spoken with the broadcasters of this country — Radio-Canada, CTV, Global, TVA — and they say, "Jean-Robert, we do not have the technicians to supply real-time reporting."

[Translation]

So we come back to the chicken or the egg. If there are no real-time captioning services, the service cannot be provided. However, the demand is presently high enough. I asked the Cité collégiale to set up an advisory board for users of this service: the Supreme Court, the Federal Court, Radio-Canada and other radio broadcasters. A board was set up.

Today, I am sufficiently knowledgeable about these matters. Soon, there will also be a shortage of translators and interpreters, because Canada has not trained enough of them. These are two different professions. Canada will need at least 1,000 interpreters and translators each year over the next few years to meet the demand. If there is no translation or interpretation, there will be no captioning either, since captioning depends on what the interpreter said. It is quite complex, but this matter is important enough to warrant this kind of intervention.

I conducted other research, for example, on the airlines, to see if they offered TTY services, a telecommunication device for the deaf. Some say they do, including Air Canada and West Jet; others say they do not, including Air Transat. The service is not available across the board.

Airlines say that, if there is a demand for a special service, they will provide it. However, people are shy. Generally speaking, when one is deaf, one is a little nervous. There are communication problems. Moreover, if people are not aware of the availability of a service, they cannot ask for it. I have also noticed that some of the hearing impaired are embarrassed by their condition. That is not my case. It is just a quirk of fate. Five or six years ago, I became ill. I was given a medication and, as a result of taking that medication, I became deaf. No one was to blame. It was a reaction to the medication. I am not ashamed to say that I was ill and that I am deaf.

I can lip-read in French, because I took courses in French. These courses are given in both languages. I cannot lip-read in English yet, but I am learning. And when I can lip-read in English, watch out!

I will conclude on a rather more positive note. As regards public transportation, I am simply asking that the regulations be amended to take the needs of the hearing impaired into account. All modes of public transportation should provide equal access to information, particularly safety instructions.

I am asking the government to look into this. It is possible to improve things and make it easier for the hearing impaired. I thank you.

On motion of Senator Chaput, debate adjourned.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, February 25, 2003, at 2 p.m.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, February 25, 2003, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
 (2nd Session, 37th Parliament)
 Thursday, February 13, 2003

GOVERNMENT BILLS
(SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties.	02/10/02	02/10/23	Banking, Trade and Commerce	02/10/24	0	02/10/30	02/12/12	24/02
S-13	An Act to amend the Statistics Act	03/02/05	03/02/11	Social Affairs, Science and Technology					

GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-4	An Act to amend the Nuclear Safety and Control Act	02/12/10	02/12/12	Energy, the Environment and Natural Resources	03/02/06	0	03/02/12	03/02/13	1/03
C-5	An Act respecting the protection of wildlife species at risk in Canada	02/10/10	02/10/22	Energy, the Environment and Natural Resources	02/12/04	0	02/12/12	02/12/12	29/02
C-8	An Act to protect human health and safety and the environment by regulating products used for the control of pests	02/10/10	02/10/23	Social Affairs, Science and Technology	02/12/10	0	02/12/12	02/12/12	28/02
C-10	An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act	02/10/10	02/11/20	Legal and Constitutional Affairs	02/11/28	divided			
C-10A	An Act to amend the Criminal Code (firearms) and the Firearms Act	-	-	Legal and Constitutional Affairs	02/11/28	0	02/12/03		
C-10B	An Act to amend the Criminal Code (cruelty to animals)	-	-	Legal and Constitutional Affairs					
C-11	An Act to amend the Copyright Act	02/10/10	02/10/30	Social Affairs, Science and Technology	02/12/05	0	02/12/09	02/12/12	26/02
C-12	An Act to promote physical activity and sport	02/10/10	02/10/23	Social Affairs, Science and Technology	02/11/21	0 + 1 at 3 rd 02/12/04 2 at 3 rd 03/02/04	03/02/04		

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-14	An Act providing for controls on the export, import or transit across Canada of rough diamonds and for a certification scheme for their export in order to meet Canada's obligations under the Kimberley Process	02/11/19	02/11/26	Energy, the Environment and Natural Resources	02/12/04	0	02/12/05	02/12/12	25/02
C-21	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003	02/12/05	02/12/10	-	-	-	02/12/11	02/12/12	27/02

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-300	An Act to change the names of certain electoral districts	02/11/19							

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-3	An Act to amend the National Anthem Act to include all Canadians (Sen. Poy)	02/10/02							
S-4	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	02/10/02							
S-5	An Act respecting a National Acadian Day (Sen. Comeau)	02/10/02	02/10/08	Legal and Constitutional Affairs					
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	02/10/03							
S-7	An Act to protect heritage lighthouses (Sen. Forrestall)	02/10/08							
S-8	An Act to amend the Broadcasting Act (Sen. Kinsella)	02/10/09	02/10/24	Transport and Communications					
S-9	An Act to honour Louis Riel and the Metis People (Sen. Chalifoux)	02/10/23							
S-10	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	02/10/31							
S-11	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	02/12/10							
S-12	An Act to repeal legislation that has not been brought into force within ten years of receiving royal assent (Sen. Banks)	02/12/11							
S-14	An Act to amend the National Anthem Act to reflect the linguistic duality of Canada (Sen. Kinsella)	03/02/11							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-15	An Act to remove certain doubts regarding the meaning of marriage (Sen. Cools)	03/02/13							

PRIVATE BILLS

[illegible]

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CANADA

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2nd SESSION

•

37th PARLIAMENT

•

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OFFICIAL REPORT
(HANSARD)

Tuesday, February 25, 2003

—

THE HONOURABLE DAN HAYS
SPEAKER

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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Tuesday, February 25, 2003

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

[Translation]

SENATORS' STATEMENTS

2003 CANADA WINTER GAMES

Hon. Viola Léger: Honourable senators, I had the pleasure of attending the official opening of the 2003 Canada Winter Games in Bathurst-Campbellton, New Brunswick. These two neighbouring areas of Northern New Brunswick, on the South Shore of Chaleur Bay, are a true microcosm of Canadian bilingualism. More than half of the population speaks both official languages of Canada, and the culture and language of the Mi'kmaq nation is still very much alive in the community as well.

[English]

Running from February 22 to March 8, it is the country's biggest multi-sport event. About 3,200 athletes and coaches from 10 provinces and three territories are expected at the 2003 Canada Winter Games. A special welcome is extended to the territory of Nunavut, which will be taking part, for the first time.

In all, 21 sport disciplines are in the program. For the first time in the history of the games, special Olympians will be part of the event. They will participate in the solo figure-skating competition.

Honourable senators, close to 5,000 volunteers have been recruited to ensure that the games succeed.

At the Canada Pavilion, all visitors are invited to get involved in the creation of a unique cultural artifact — a 9-metre totem pole carved from British Columbian cedar. The project is scheduled to travel to a total of 14 trade shows and events across the country. To date, over 150,000 individuals have sculpted a portion of this traditional heraldic pole for the Haida First Nation, which, once completed, will be on permanent display.

[Translation]

Last Saturday's opening ceremony for the 2003 Winter Games was a colourful event, focussing on the magic of winter and the cultural diversity of our country. The Prime Minister of Canada was in attendance, and said in his speech that the athletes taking part in these Games are symbols of our values of respect, discipline and fair play, in victory and in defeat. The entire Chaleur Bay area is proud of the event.

We hear so much these days about today's youth's lack of ambition, lack of energy, but that was not the case on Saturday afternoon. Everyone was in a festive mood. It was a treat to see all these young people dressed so colourfully and cheering so loudly, side by side, having fun and experiencing the intensity of emotion involved in amateur sport, the purest discipline possible.

The joyous faces of the winners have nothing at all to do with money, fame or fortune from sponsorships. These are smiles of pure joy on the faces of athletes who have met their goals, who have gone beyond their limits, just for the love of it. These are athletes whose efforts have really paid off. Congratulations to all the athletes, and long live the Canada Winter Games.

[English]

Before concluding, allow me to keep my tradition and recite two small passages of poetry.

The Hon. the Speaker: I would very much like to hear them, but I regret to advise the honourable senator that her time has expired.

Hon. John G. Bryden: I move that the time limit be waived on this occasion.

The Hon. the Speaker: Is it agreed?

Hon. Senators: Agreed.

Senator Léger: Honourable senators, the first piece is by Thompson Hughes.

Rake the sand from your eyes
and collect it in an hourglass
so you can lie awake and count
every liquid minute dripping
from the leaky faucet hours
every melted hour dropping
from the moon's candle glow
and in your room,
the awful din of silence
beats like windswept ice
pellets against your window
roars like north atlantic waves
crashing into the hollow space
that was once filled with the
slow, placid rhythm
of another sleeper's breath.

[Translation]

Sculpture, by Albert Roy

I will build
a sculpture
to sing of
the great pines
floating down
the Saint John River
I will resurrect
a sculpture
like the warm
wind from our forges
fired by
our grandfathers'
spirit
a sculpture
to shore up
the legends flowing
from our riverbed
a sculpture
to express
the love of the wind
the love of the earth
I will discover
a bird
who will turn
furrows
where dreams
will lay the seeds of a
world of equality.

[English]

SCOTT TOURNAMENT OF HEARTS

CONGRATULATIONS TO CHAMPIONS

Hon. Jane Cordy: Honourable senators, the Scott Tournament of Hearts curling playoffs was held this past weekend in Kitchener, Ontario. For the first time ever, the two finalists were from Atlantic Canada. In fact, the top three teams were from Atlantic Canada. The first runner-up was the team from Newfoundland, skipped by Cathy Cunningham, who curled an excellent championship game. The third-place team, who finished the round robin at the top of the standings, was an exceptional team of young women from P.E.I., skipped by Susan Gaudet, a former Canadian and World Junior Champion. I am sure we will continue to hear much of this team in the future. I would like to congratulate these teams on their performances.

• (1410)

Honourable senators, as a Nova Scotian, I am delighted this afternoon to talk about outstanding athletes from my home province — the Canadian women's curling championship team from the Mayflower Curling Club in Halifax: Colleen Jones, Kim Kelly, Mary Ann Waye, Nancy Delehunt and Laine Peters. The Colleen Jones team won their third straight Canadian curling championship on Sunday — their fourth in five years. This marks only the second time in women's curling history that a rink has won three consecutive Canadian championships and the first time that any team has won four Scott titles as a unit.

[Senator Léger]

For Colleen Jones, this is her fifth women's title championship, more than any other skip, with the first one coming 21 years ago in 1982 at the age of 22. For the team's third, Kim Kelly, this is her second Canadian championship this year. She was a member of Nova Scotia's mixed curling team, also from the Mayflower Curling Club in Halifax, skipped by Paul Flemming, that won the Canadian mixed curling championships in Abbotsford, British Columbia, in January.

The Daily News in Halifax referred to the Jones rink as a curling dynasty. Indeed, they are an amazing team, dominant in the women's curling scene in Canada. This team will represent Canada at the world championships in Winnipeg, in April. I am sure all senators will join me in wishing Team Canada the best of luck.

On the subject of curling, honourable senators, I would like to invite you to the Nokia Brier, which starts in Halifax this coming weekend. The invitation comes with a guarantee of warm Nova Scotia hospitality at the Brier Patch.

[Translation]

ROUTINE PROCEEDINGS

THE BUDGET 2003

DOCUMENTS TABLED

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the following documents: notice of a Ways and Means Motion to amend the Income Tax Act; notice of a Ways and Means Motion to amend the Excise Tax Act; notice of a Ways and Means Motion to amend the Customs Tariff, the Excise Tax Act and the Excise Act, 2001; the Budget Speech; the Budget in Brief; Investing in Canada's Health Care System; Improving Expenditure Management and Accountability and the Budget Plan 2003.

[English]

SENATE DELEGATION TO CZECH REPUBLIC

OCTOBER 14-21, 2002—REPORT TABLED

Hon. Dan Hays: Honourable senators, with leave of the Senate, I have the honour to table the report of the Senate delegation, led by the Speaker of the Senate, which travelled to the Czech Republic from October 14-21, 2002.

The Hon. the Speaker pro tempore: Honourable senators, is leave granted?

Hon. Senators: Agreed.

[Translation]

SENATE DELEGATION TO SPAIN

OCTOBER 21-25, 2002—REPORT TABLED

Hon. Dan Hays: Honourable senators, with leave of the Senate, I have the honour to table the report of the Senate delegation, led by the Speaker of the Senate, which travelled to Spain from October 21 to 25, 2002.

[English]

The Hon. the Speaker *pro tempore*: Honourable senators, is leave granted?

Hon. Senators: Agreed.

[Translation]

INTERNAL ECONOMY, BUDGETS
AND ADMINISTRATION

TENTH REPORT OF COMMITTEE PRESENTED

Hon. Lise Bacon, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presents the following report:

Tuesday, February 25, 2003

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

TENTH REPORT

Your Committee recommends that the following additional funds be released for fiscal year 2002-2003.

Aboriginal Peoples (Special Study on Urban Aboriginal Youth)	
Professional and Other Services	\$ 5,000
Transport and Communications	\$ 0
Other Expenditures	\$ 0
Total	\$ 5,000

Banking, Trade and Commerce (Special Study on Financial Systems)	
Professional and Other Services	\$ 0
Transport and Communications	\$ 22,700
Other Expenditures	\$ 0
Total	\$ 22,700

Energy, the Environment, and Natural Resources (Special Study on emerging issues related to mandate)	
Professional and Other Services	\$ 0
Transportation and Communications	\$ 24,900
Other Expenditures	\$ 0
Total	\$ 24,900

National Security and Defence (Special Study on National Security Policy)	
Professional and Other Services	\$ 20,000
Transport and Communications	\$ 24,000
Other Expenditures	\$ 0
Total	\$ 44,000

LISE BACON
Chair

The Hon. The Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Bacon, notwithstanding rule 58(1)(g), consideration of the report is placed on the Orders of the Day later this day.

[English]

BANKING, TRADE AND COMMERCE

REPORT OF COMMITTEE ON QUESTION OF PRIVILEGE
CONCERNING PREMATURE DISCLOSURE OF REPORT
ON PUBLIC INTEREST IMPLICATIONS
OF BANK MERGERS PRESENTED

Hon. E. Leo Kolber, Chairman of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Tuesday, February 25, 2003

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

SEVENTH REPORT

Pursuant to Appendix IV of the *Rules of the Senate*, your Committee is pleased to report as follows on the questions of privilege raised by the Honourable Senator Kolber.

On Thursday, December 12, 2002, Senator Kolber gave written notice pursuant to Rule 43 and subsequently raised a question of privilege in the Senate. It related to the premature disclosure of the report on the public interest implications of large bank mergers of the Standing Senate Committee on Banking, Trade and Commerce. He referred to three articles — the first was distributed the day before by the Reuters News Agency and the others were published in the *Globe and Mail* and *National Post* the morning of the day the report was tabled. Following interventions by Senators John Lynch-Staunton, Noël A. Kinsella, Richard H. Kroft, Anne C. Cools, Lowell Murray and Jack Austin, the Speaker ruled that a *prima facie* case of privilege existed.

Your Committee met on Wednesday, February 5, 2003, to consider the question of privilege raised by Senator Kolber. The Committee debated the alleged leak and the question of privilege and subsequently decided that it was unnecessary to hear any witnesses.

Furthermore, your Committee is of the opinion that no further action is required, except to raise the awareness of Senators and staff as to the need for and requirement of confidentiality and to establish security procedures to avoid a repeat of this breach of privilege. We need to balance our desire for openness and transparency with the right of Senators to be able to discuss freely issues without the fear of their comments being reported the following day. Senators should take great care when discussing the work of Committees with the media that they do not inadvertently release information that the Senate is entitled to hear first or to compromise possible recommendations the Committee may be considering.

Respectfully submitted,

E. LEO KOLBER
Chairman

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Kolber, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

VIMY RIDGE DAY BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-227, respecting a national day of remembrance of the Battle of Vimy Ridge.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Poulin, bill placed on the Orders of the Day for second reading two days hence.

• (1420)

THE BUDGET 2003

NOTICE OF INQUIRY

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I give notice that on Tuesday, March 18, 2003:

I will call the attention of the Senate to the budget presented by the Minister of Finance in the House of Commons on February 18, 2003.

[Translation]

PARLIAMENTARY DELEGATION TO KINGDOM OF MOROCCO

NOTICE OF INQUIRY

Hon. Gérald-A. Beaudoin: Honourable senators, I give notice that on Thursday next, February 27, 2003:

[Senator Kolber]

I shall call the attention of the Senate to the visit of a parliamentary delegation from the Senate and the House of Commons, at the King's invitation, to the Kingdom of Morocco, from January 19-26, 2003, to discuss trade, rights, law and other matters.

[English]

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION

Hon. E. Leo Kolber: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That with respect to the Standing Senate Committee on Banking, Trade and Commerce's examination of the administration and operation of the *Bankruptcy and Insolvency Act* and the *Companies' Creditors Arrangement Act*, it be empowered to adjourn from place to place within Canada and to travel inside and outside Canada for the purpose of such study.

QUESTION PERIOD

NATIONAL DEFENCE

CUTS IN GRANTS TO MILITARY ASSOCIATIONS

Hon. J. Michael Forrestall: The other day, honourable senators, I directed remarks and a question to the Leader of the Government in the Senate that had to do with funding cutbacks to the Federation of Military and United Services Institutes of Canada. We understand from the press this morning that the Conference of Defence Associations will be cut back some 25 per cent this year and cut out completely next year. The Leader of the Government in the Senate was good enough to indicate to me, as an aside, because it was not a direct question, that the reason may be that they did not fit the core description. I thank her for that explanation.

We now have an added development in that I see no call on grants from the same department to the Canadian Institute of International Affairs. I am wondering why two military associations, both of them around for so many years that few of us can remember when they started, were selected. Senator Graham would know, as a retired chief petty officer, when they started. Is there some explanation as to why the two institutions have been cut back and the third one has not?

Hon. Sharon Carstairs (Leader of the Government): The Conference of Defence Associations has not been cut off immediately, as the honourable senator knows. It will receive \$50,000 this year and nothing in the subsequent year. There are 600,000 members of this association and they have a budget of only \$150,000 for their core activities. It would seem reasonable that they should be able to collect much more than \$150,000. Through a very small membership fee of \$1, they would collect approximately four times their present budget.

Senator Forrestall: The response of a self-sustaining organization varies somewhat from the response with respect to the United Services Institutes, which the minister was kind enough to indicate probably came about because it did not fit the core objectives. Is the minister suggesting that the Conference of Defence Associations fails in that respect as well?

Both of these institutions, honourable senators, date back to the early 1930s. They have enjoyed uninterrupted support, notwithstanding the view of those who would dismiss them as just a bunch of retired generals. Notwithstanding that, the Conference of Defence Associations, the United Services Institutes and other organizations that support Canada's military have historically done Canada and its Armed Forces a great service.

Is this a permanent thing? One organization is cut off this year. The other one will get \$50,000 or \$75,000 and then be cut off next year. Are those cutbacks to be taken as permanent and firm and not to be reinstituted at some later date?

Senator Carstairs: It is quite clear, honourable senators, that it is to be permanent. It has to do with the process that the Honourable Minister of Defence, John McCallum, has undertaken to examine cost-saving measures to maintain and enhance the department's operational capabilities. He made it clear that he needed \$800 million. He was given that amount in the budget. He was given an additional \$275 million to ensure that no future monies would have to be used for past expenditures. He also indicated very publicly that he believed that, by looking carefully at the budget, he could find savings of \$200 million.

Senator Forrestall: At \$25,000 a shot, good luck to him.

PRIME MINISTER'S OFFICE

RESEARCH COSTS FOR TITLE OF SPEECH FROM THE THRONE

Hon. Lowell Murray: Honourable senators, an Access to Information Request revealed that the government spent \$33,000 on a focus group to obtain a suitable title for the Speech from the Throne. The title they came up with was "The Canada We Want."

My first question is, why could they not have just called it the "Speech from the Throne," like everybody else does, and saved the taxpayer \$33,000?

My second question concerns the budget. They added one word to the title "The Canada We Want." The title of the budget became "Building the Canada We Want." With respect to this one word, another focus group or other public opinion research was done. What is the price of a participle under this government?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, my understanding is that another focus group was not contacted. The reason the word "building" was added was that the Speech from the Throne, as with all Speeches from the Throne, is a statement of fundamental principles to which the government is committed. The budget is the set of building blocks by which that happens.

UNITED NATIONS

INITIATIVES TO AVERT POSSIBLE WAR WITH IRAQ

Hon. Douglas Roche: Honourable senators, I have a question for the Leader of the Government in the Senate. Can the minister elaborate on the plan to avert war in Iraq that Canada's ambassador to the UN, Paul Heinbecker, put before the Security Council today? I put this question in the context that this crisis may prove to be the UN's finest hour if war can be averted. The diplomatic struggle is more intense than I have ever seen at the UN. A bridge can and must be built between the positions of the United States and Britain on the one hand and France and Germany and Russia on the other. Prime Minister Chrétien and Foreign Minister Graham understand the need for this bridge and should be commended for trying to build it. Is the Leader of the Government able to inform the Senate of the steps that Canada is taking?

• (1430)

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, let me be clear: There is no concrete plan or initiative on the part of the Canadian government. The Canadian government is sharing some ideas on the basis of the philosophy that the most important objective is to maintain the unity of purpose of the international community. That is and will continue to be the focus of our work at the United Nations. We stand firmly behind resolution 1441, that Iraq must comply with its obligations. We also believe that it is imperative that the United Nations, when possible, should speak with one voice and not with many voices.

Senator Roche: I thank the minister for that response. I would welcome an elaboration, perhaps at a later date, if she can possibly give it, as to what Canada is saying at the UN today.

IRAQ—COMPLIANCE WITH RESOLUTION 1441

Hon. Douglas Roche: Hans Blix, the chief UN inspector, said today that Iraq has shown new signs of substantive cooperation with the inspection process in recent days. He has also set March 1 as the deadline for Iraq to begin dismantling its Al Samoud 2 missiles.

If Iraq complies with this deadline, will the Canadian government consider that this constitutes a step towards compliance with resolution 1441, and that the inspection process should be continued, which is what France, Germany and Russia want?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I believe the entire world welcomes the news from Mr. Blix that there have been new signs of cooperation. However, the Iraqi government is working under a short deadline at present. They have been asked to destroy their missiles which, apparently, when powered, can go beyond the limits that have been placed on them by the United Nations. They have been asked to begin to destroy those missiles by March 1, although they have until March 7 to completely comply. As of this moment, my understanding is that Iraq is arguing that their missiles are not in violation, although they have not closed the door to destroying those missiles as the days go on.

The position of the Canadian government is that Iraq must comply and any step in that direction is a positive step.

VETERANS AFFAIRS

ACCESS TO REHABILITATION BENEFITS BY METIS VETERANS OF WORLD WAR II AND KOREAN WAR

Hon. Michael A. Meighen: Honourable senators, the federal government recently offered compensation to First Nations veterans who were denied rehabilitation benefits upon returning to Canada after fighting overseas. The deal was not extended to Metis, however.

The Metis veterans argue that the government's rehabilitation plan at the time, the Veteran's Charter, did not make adequate provisions for their assistance. For example, most Metis veterans could not take advantage of the housing programs because those programs were offered in urban communities only. Also, training programs did not consider that the education level of Metis prior to joining the service might not be high enough to enter universities after the war was over.

In order to obtain the money they feel they are owed, these veterans have launched a campaign to shame our government into giving them compensation for their efforts on behalf of this country during World War II and the Korean War.

Last July, the National Council of Veteran Associations placed a claim before the United Nations Human Rights Committee on behalf of Metis veterans who have been denied benefits. This month, the National Metis Veterans Association announced it would promote the cause internationally, pleading its case in the European countries, that Metis soldiers have fought in.

Honourable senators, it is sad, but perhaps not altogether surprising, that this government is treating our veterans in this fashion, considering their ongoing reluctance to provide adequate support for the active military.

My question is for the Leader of the Government in the Senate. Will the government do the right thing and offer the Metis veterans compensation before this claim goes any further; more important, perhaps, before more people die without a satisfactory resolution of the matter?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the honourable senator prefaces his question about the Metis by stating that the Aboriginal veterans have received some compensation for their efforts. I should like to think, the number of reports from this chamber that urged that ultimate result helped to achieve that end. In particular, former Senator Len Marchand worked diligently on this matter.

In regard to the Metis people, the preliminary review of Metis benefits was such that the Metis did have access to benefits. However, the government recognizes that there are some Metis who now argue that, because of where they lived, they did not have access to full benefits. This matter is under review.

JUSTICE

FIREARMS PROGRAM—STATUS AS CROWN PROJECT

Hon. Gerry St. Germain: Honourable senators, my question is for the Leader of the Government in the Senate. Yesterday, the Deputy Minister of Justice admitted to a House of Commons

committee that more information could have been reported in regard to the federal firearms program.

Today, the Auditor General advised that the Department of Justice is obliged to report more details on spending. Treasury Board set up rules long ago for federal government spending on major Crown projects.

Is the Firearms Program considered a major Crown project? There appears to be some ambiguity. Could the minister clarify this matter?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, there is some ambiguity. The deputy minister indicated that ambiguity in his replies, yesterday, to members in the other place.

The reality is that all monies were accounted for either in the Main Estimates or the Supplementary Estimates. The Public Accounts Committee of the House of Commons did not access the information that was readily available to them, unlike our Standing Senate Committee on National Finance, which did take the opportunity to have witnesses appear. The information was certainly out there and was clear. In this matter, however, there is some disagreement between the Department of Justice and the Auditor General.

Senator St. Germain: My question is: Is the Firearms Program a major Crown project? If it is, which many perceive and believe that it is, because it qualifies under the Crown project criteria, why is it, then, that the reporting requirements were not followed? What accountability is there? Is the government blaming the House of Commons Committee for not asking the questions? Apparently, most of the money was put through on Supplementary Estimates, as opposed to Main Estimates; is that not correct?

Senator Carstairs: My understanding is that most of the money went through the Main Estimates. However, whether the money goes through the Main Estimates or the Supplementary Estimates should not matter to the Public Accounts Committee. That did not matter to our Finance Committee. They did the work they were supposed to do.

As to whether or not this is a Crown project, there is a dispute in regard to that definition. The Department of Justice does not accept the Auditor General's point of view on this matter.

SOLICITOR GENERAL

AMENDMENTS TO CORRECTIONS STATUTES

Hon. Terry Stratton: Honourable senators, my question is addressed to the Leader of the Government in the Senate. Almost two years ago, in its 2001-02 report on plans and priorities, the Solicitor General's department told Parliament that changes were planned to the Corrections and Conditional Release Act. Last spring, in the 2002-03 report on plans and priorities, we were told that the government would take three years to review this act. Two months later, we read a report in the May 15 *National Post* that the government would introduce changes to both the corrections legislation and the Transfer of Offenders Act in the

fall. Is the government planning to bring in amendments to its corrections legislation and the Transfer of Offenders Act? If so, what is the government's timetable for bringing in such a bill?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I have not yet seen this matter on the radar screen. I assume that such proposed legislation will not be introduced during this spring session. Whether such proposed legislation will appear in the fall of 2003 remains to be seen. However, such amendments are not on the priority list at this point.

JUSTICE

AMENDMENTS TO HUMAN RIGHTS ACT

Hon. Terry Stratton: Almost three years ago, the Department of Justice told Parliament, through its 2000-01 report on plans and priorities that, based on a review by Supreme Court Justice Gérard La Forest, the government may introduce amendments to the Canadian Human Rights Act. The government repeated that announcement in the 2001-02 report on plans and priorities. Has the government put these amendments on ice? If not, when can we expect to see such legislation?

• (1440)

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I know the plans are not on ice. They are moving forward, albeit slowly. I cannot give a time commitment on when they will appear.

LEGISLATION TO DECRIMINALIZE MARIJUANA

Hon. Terry Stratton: Honourable senators, the September 2002 Speech from the Throne announced that the government would amend Canada's drug laws, including possible legislation to decriminalize the use of marijuana. Would the Leader of the Government in the Senate advise as to when the government expects to table this legislation?

Hon. Sharon Carstairs (Leader of the Government): As the commitment was made in the Speech from the Throne, I anticipate that that will be done during this session of Parliament.

AMENDMENTS TO ACCESS TO INFORMATION ACT

Hon. Terry Stratton: Honourable senators, almost four years ago, in its Report on Plans and Priorities for the 1999-2000 fiscal year, the Department of Justice said that the government was working on reforms to the Access to Information Act and the Privacy Act. Two and a half years ago, in August 2000, then Justice Minister Anne McLellan announced that a task force involving public servants from several departments would conduct the review. On July 26, 2001, the *Ottawa Sun* reported that amendments to the Access to Information Act were expected by January 2002.

On June 12, 2002, the government finally released the results of its review of the act and said that it would respond to it in the fall.

The recommendations include extending the legislation to cover more information and more institutions, including parliamentary records, while denying access if a request is frivolous, vexatious or abusive.

Further, on August 6 of 2002, the *National Post* reported that a bill to be introduced in the fall would extend the act to cover Crown corporations and other institutions that are currently exempt, including the CBC and Canada Post.

Could the Leader of the Government in the Senate advise the Senate what the government's current timetable is for introducing these amendments?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I have seen no timetable for an access to information bill. As honourable senators know, there is a new Minister of Justice. He has set priorities, which include the previous bill to which the honourable senator made reference with respect to Canada's drug laws. I cannot give any further detail as to when we could expect to see access to information amendments.

TRANSPORT

AMENDMENTS TO AERONAUTICS ACT

Hon. Terry Stratton: Honourable senators, in March 2001, through its 2001-2002 Report on Plans and Priorities, Transport Canada told Parliament that it was consulting with the aviation community with a view to updating the Aeronautics Act. A year later, in its March 2002 Report on Plans and Priorities for the 2002-2003 fiscal year, the department told Parliament that it was a priority to introduce amendments, within a year, that would address fatigue management, liability insurance and reporting of safety data, while providing new compliance and enforcement tools.

Given that the Order Paper at present does not have a lot on it, could the Leader of the Government advise the Senate as to when we might expect this legislation?

Hon. Sharon Carstairs (Leader of the Government): I can assure the honourable senator that he will see this legislation very soon.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table two delayed answers to oral questions, the first raised in the Senate on November 7, 2002, by the Hon. Senator Tkachuk regarding the recognition of Hezbollah as a terrorist organization, and the second raised in the Senate on November 7, 2002, by the Hon. Senator Forrestall, regarding Ilitis vehicles.

FOREIGN AFFAIRS

RECOGNITION OF HEZBOLLAH
AS TERRORIST ORGANIZATION

(Response to question raised by Hon. David Tkachuk on November 7, 2002)

Canada listed the Hezbollah External Security Organization under the UN Suppression of Terrorism Regulations (the "Regulations") on November 7, 2001. Hezbollah in its entirety was listed under the Regulations and in regulations under the Anti-Terrorism Act on December 10, 2002.

Under the UN Suppression of Terrorism Regulations, it is illegal to provide funds to or to raise funds for an entity or person listed under the Regulations. Persons in Canada and Canadians outside Canada are required to freeze the assets of listed entities and persons. The Regulations do not address membership in an entity.

The Anti-Terrorism Act permits the designation of entities whose activities meet the definition of terrorist activity and "terrorist groups." This definition forms the basis for new offences in the Criminal Code that make it a crime:

- knowingly to collect or to provide funds, either directly or indirectly, in order to carry out terrorist crimes;
- knowingly to participate in, contribute to or facilitate the activities of a terrorist group. The participation or contribution includes knowingly to recruit new individuals for the purpose of enhancing the ability of the terrorist group to facilitate or commit terrorist activities;
- to instruct anyone to carry out a terrorist activity on behalf of a terrorist group;
- knowingly to harbour or to conceal a terrorist.

Persons in Canada and Canadians outside Canada are also required to freeze the assets of "terrorist groups," defined in the Act as a listed entity or an entity that has as one of its purposes or activities facilitating or carrying out any terrorist activity.

Membership is not an offence in and of itself. Knowing participation in, contribution to or facilitation of the unlawful activities of the entity is required.

NATIONAL DEFENCE

PRINCE EDWARD ISLAND RESERVE REGIMENT—
CONDITION OF VEHICLES

(Response to question raised by Hon. J. Michael Forrestall on November 7, 2002)

As stated in an earlier reply November 20, 2002, the Prince Edward Island Regiment currently has no Ilitis vehicles in operation.

[Senator Robichaud]

I have been advised that the request by the Honourable Senator for the vehicle maintenance logs for the Prince Edward Island regiment's jeeps to be tabled in this House requires additional information to be processed.

Given that the request is for documents, additional information setting a start and end date for the search is required. We recommend that the documents in question be obtained by contacting the Department of National Defence through an Access to Information Request, or through this House via a request for the production of papers.

[English]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the Table seems to have passed over "Government Business."

Hon. Fernand Robichaud (Deputy Leader of the Government): I thought the honourable senator was rising to speak on the first item under "Senate Public Bills," which stands adjourned in his name.

Senator Lynch-Staunton: Is there no government business?

Senator Kinsella: There being no government business, neither bills, inquiries, motions or reports of committees, I guess we are at "Other Business." The first item is Bill S-12, which I would ask to stand in my name.

PERSONAL WATERCRAFT BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Forrestall, for the second reading of Bill S-10, concerning personal watercraft in navigable waters.—(Honourable Senator Kinsella).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise in support of Bill S-10, and I will be brief and to the point. This is the kind of bill that the Senate should support. It has been before us for a considerable period of time. All senators have had an opportunity to study it. At our last sitting, Senator Cook gave an excellent explication of it.

As has been pointed out, the bill requires the Minister of Fisheries and Oceans to listen to local concerns where public safety or the environment is at risk and requires the minister to consider local solutions for issues of speed, distance or time

restrictions on personal watercraft. Rather than having one set of regulations for the entire country, we should have regulations that vary from community to community, regulations tailored, in effect, to the needs of each particular waterway, which seems to me to make eminent sense given the variety of situations across our country.

With some initiatives, particularly at the municipal level, people are supportive so long as it is not in their own backyard. Hopefully, that will not be the case with this initiative.

This bill, developed by Senator Spivak and supported by honourable senators on both sides of the house, is not a ban on personal watercraft. Under the terms of the bill, a local authority would be formed to assess what would be allowed on a particular waterway. It would be able to decide the proper use of these vehicles based on local concerns and local requirements.

The bill mandates the local authorities to adopt resolutions proposing that the minister set regulations restricting the use of personal watercraft on a particular waterway after general consultation in the community. The minister may refuse proposed regulations that would impede navigation. These two mechanisms should be sufficient to ensure that the bill is not used to run roughshod over personal watercraft owners, but rather that there be a proper balance.

It is virtually the same process, honourable senators, that is now in place to deal with water skiing or boat regattas for all high-speed recreational boats. There may well be very small lakes or small portions of larger waterways where local authorities decide that personal watercraft are inappropriate, whether because there are swimming holes where swimmers would be at risk due to the use of such craft, because it would disturb nesting wildlife, or because discharged oil and gasoline would make their way into the drinking water system. In those very limited areas, personal watercraft could be prohibited, just as water skiing is not allowed everywhere.

While personal watercraft in the wrong place at the wrong time can present problems of noise, pollution and risks to the safety of swimmers, canoeists and other boaters, other motorized sports are also noisy, polluting and possibly even more dangerous. The Canadian Institute of Health Information recently released a report that shows that snowmobiling, a very popular pastime in my own province of New Brunswick, where one in three families own either a snowmobile or an all-terrain vehicle, has become a very dangerous sport, and danger is determined by health outcomes as well as life and death outcomes.

• (1450)

Snowmobiling results in more severe injuries, longer hospital stays and more deaths than any other sport. Figures for personal watercraft are not specifically listed in the study.

To get a measure of the risk that personal watercraft present, the database maintained by Health Canada's Canadian Hospitals Injury Reporting and Prevention Program offers some insight.

Personal watercraft injuries account for 21 per cent of all power-boating injuries, even though manufacturers indicate that personal watercrafts make up only 3 to 5 per cent of all powerboats. The risk, honourable senators, supported by the data, is disproportionately high.

In New Brunswick, local authorities work in cooperation with the province to set the regulations on the extensive trail system throughout our province. It is called the New Brunswick Federation of Snowmobile Clubs. They set the rules of the trails, promote snowmobile safety, and groom the trails. To access the trails, you must buy a membership in an affiliated club or, in the case of a tourist, a temporary pass. The RCMP has become more involved in patrolling the trails, and the sport is safer. Apparently it is not safe enough, and much work must continue. If this system can work on the provincial level for one motor sport, snowmobiling, then, perhaps it could work in the area of personal watercraft.

New Brunswick has already taken some steps in this area. It has banned all boats with two-stroke engines, the type of engine that drives most personal watercraft, from two dozen watersheds across the province. The rationale is that these sensitive waters require protection from petroleum products that the two-stroke engines discharge. It is a public health and safety issue of another order.

Honourable senators, my understanding is that the Province of Quebec is expected to follow suit with a ban on all gas-powered boats for lakes smaller than one square kilometre, and lakes four times that size if they are a source of drinking water.

This bill would see that local and provincial concerns are dealt with in a manner that respects the Constitution. It would put in place measures that Coast Guard officials sought earlier last decade. It seems to me to be imminently reasonable. It is a protective and a safety-supportive initiative, and I believe it is needed. Hopefully, the committee to which the bill will be referred for detailed study will be able to address all these questions.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

Motion agreed to and bill read second time, on division.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read a third time?

Hon. Mira Spivak: Honourable senators, I move that the bill be referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, Bill S-10 is entitled "An Act concerning personal watercraft in navigable waters." Since navigable waters are a Coast Guard responsibility, would it not be preferable to refer the bill to the Standing Senate Committee on Fisheries and Oceans, which also deals with the Coast Guard, since it comes under the Department of Fisheries?

[English]

Senator Spivak: Honourable senators, then I move that this bill be referred to the Standing Senate Committee on Transport and Communications.

The Hon. the Speaker: How about Fisheries?

Senator Spivak: I would point out that the Canada Shipping Bill was also referred to the Transport Committee. There are issues in this bill that relate to both the Environment Act and the Canada Shipping Act. I do not think Fisheries and Oceans is the right place, with all due respect.

Senator Corbin: Send it to Foreign Affairs.

The Hon. the Speaker: It is moved by the Honourable Senator Spivak, seconded by Honourable Senator Cochrane, that this bill be referred to the Standing Senate Committee on Transport and Communications for further study. Is it your pleasure, honourable senators, to adopt the motion?

Senator Robichaud: Has —

The Hon. the Speaker: Honourable senators, before we go any further, this is not a debatable motion. It has to be defeated or passed. However, with leave, comments could be made.

Is leave granted, honourable senators?

Hon. Senators: Agreed.

[Translation]

Senator Robichaud: Honourable senators, in this case, should we not stick to the first motion proposed? My suggestion to refer Bill S-10 to the Senate Committee on Fisheries and Oceans was not accepted. The first motion was not amended. We have before us the first motion relating to the referral of Bill S-10 to the Senate Standing Committee on Energy, the Environment and Natural Resources.

[English]

The Hon. the Speaker: Is that agreeable, Senator Spivak?

Senator Spivak: I am in your hands, honourable senators.

The Hon. the Speaker: Under our rules, the mover of the motion can modify the motion with leave of the Senate.

Is leave granted, honourable senators, for Senator Spivak's motion, as modified?

Honourable senators, I will put it clearly so everyone will understand.

It is moved the motion be modified to refer the bill to the Standing Senate Committee on Energy, the Environment and Natural Resources, not the Standing Senate Committee on Transport and Communications.

Senator Cools, did you have a question?

Hon. Anne C. Cools: Honourable senators, I am trying to ascertain which committee looks at these issues. It should not be too difficult to look up the list of committees. Which committee looks after issues dealing with navigation and the regulation of vessels on rivers, lakes and oceans?

Senator Spivak: That is the Standing Senate Committee on Transport and Communications. The Standing Senate Committee on Energy, the Environment and Natural Resources looks at environmental and energy issues. Both are involved in this act. There are issues in this particular bill that could be referred to either committee. However, I am happy to have it go to the Transport Committee.

Senator Cools: We should send it to the committee that the honourable senator sits on. Which committee does the honourable senator sit on?

Senator Spivak: Both.

Senator Cools: Then the honourable senator will have to choose.

• (1500)

Hon. Gerald J. Comeau: I did not want to let this pass without noting that Senator Robichaud did make a point in saying that issues involving navigable waters are, generally speaking, under the Coast Guard, and that such issues do belong to the Standing Senate Committee on Fisheries and Oceans. I am not, by any means, trying to have this bill referred to my committee.

I would, however, point out that certain issues dealing with the environment are found in the Oceans Act.

The Hon. the Speaker: Is leave granted, honourable senators, that Senator Spivak's motion be framed that this bill be referred to the Standing Senate Committee on Energy, the Environment and Natural Resources?

Hon. Senators: Agreed.

The Hon. the Speaker: It is moved by the Honourable Senator Spivak, seconded by the Honourable Senator Cochrane, that this bill be referred to the Senate Standing Committee on Energy, the Environment and Natural Resources for further study. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

On motion of Senator Spivak, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

BUSINESS OF THE SENATE

Hon. Anne C. Cools: Honourable senators, it is my intention to move second reading of Bill S-15 in several days. I rise to note that, on the Order Paper of today, the bill is listed as Bill C-15, item No. 3. I would ask that the record be corrected to reflect that this is Bill S-15. I note that the reading clerk just referred to it as Bill S-15.

The Hon. the Speaker: Is it agreed that we make that correction, honourable senators?

Hon. Senators: Agreed.

NATIONAL ANTHEM ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Noël A. Kinsella (Deputy Leader of the Opposition) moved the second reading of Bill S-14, to amend the National Anthem Act to reflect the linguistic duality of Canada.

He said: Honourable senators, I move the adjournment of the debate.

On motion of Senator Kinsella, debate adjourned.

HERITAGE LIGHTHOUSE PROTECTION BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Forrestall, seconded by the Honourable Senator LeBreton, for the second reading of Bill S-7, to protect heritage lighthouses.—(*Honourable Senator Callbeck*).

Hon. Catherine S. Callbeck: Honourable senators, I should like to begin by congratulating my colleague Senator Forrestall for bringing this proposed legislation forward. I believe in the principle of this bill, Bill S-7, which is to protect heritage lighthouses, as they form an integral part of Canada's identity, culture and heritage.

This proposed legislation will protect heritage lighthouses in three ways. First, it will provide for their selection and their destination. Second, it will prevent their unauthorized alteration or disposition. Third, it will require that they be reasonably maintained. Another important aspect of the bill is that it will provide for public consultation.

My home province of Prince Edward Island has many lighthouses. Among them is Point Prim Lighthouse, the oldest lighthouse on the Island. It holds the status of a heritage building,

as it is the only round brick lighthouse in Canada. P.E.I. is also home to the Cape Bear Lighthouse, where the Canadian Marconi station was the first Canadian station to hear the SOS distress calls from the Titanic.

Indeed, lighthouses are an integral part of life on Prince Edward Island, not only for navigational purposes, but also as symbols of maritime life. Today, many of these lighthouses serve as tourist attractions. For example, the West Point lighthouse, which was built in 1875, now houses an inn and a museum. This was the first lighthouse on the Island built by the federal government.

Currently, the Federal Heritage Buildings Review Office, or FHBRO, is charged with evaluating our federally owned buildings that are 40 years old or older, and deciding whether they should have heritage status.

If this bill is referred to a standing Senate committee, I believe that the committee should look at and evaluate the current process carried out by FHBRO and ask, "Does this present process currently protect heritage lighthouses?" If it does not do this, then the committee must question what changes need to be made. In other words, it must then ask: "Do we need new legislation?"

I realize that this bill is modeled after a bill to protect heritage railway stations, but I believe that we must decide whether it is wise to create separate legislation for each category of building.

I believe that the committee studying the legislation should address many questions. For example, since FHBRO has already examined over 200 of Canada's lighthouses, of which 120 have been classified as designated heritage buildings, would the passing of this bill mean that the Minister of Heritage would have to re-examine all of the buildings that are already designated as heritage buildings, or would those buildings automatically retain their designation?

I am concerned that the onus placed upon citizens in this bill will work against the overall purpose of the bill, which is to protect lighthouses across Canada.

According to subclause 8(1), paragraphs (a) and (b), Canadians who wish a lighthouse to be classified as a heritage building would have to send a petition to the minister within two years of this bill coming into force. Each petition would have to be, as clause 8 states:

signed by at least 25 persons who are resident in Canada and are 18 years of age and over, and whose names and addresses appear in printed form on the petition;

This leads me to the question of what happens after the two-year time limit is up. Will Canadians still be able to appeal to the minister to have a lighthouse designated? If that is not the case, and if this bill and the process of petitioning is not well publicized, then it is possible that the minister would receive very few petitions.

Honourable senators, these are several of the questions that I have regarding Bill S-7. In closing, I should like to reiterate my support for the principle of the legislation. However, many questions do require to be answered in the committee.

The Hon. the Speaker: It is moved by the Honourable Senator Forrestall, seconded by Honourable Senator LeBreton, that this bill be read a second time. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

Motion agreed to and bill read second time, on division.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Forrestall, bill referred to Standing Senate Committee on Social Affairs, Science and Technology.

NATIONAL SECURITY AND DEFENCE

BUDGET—REPORT OF COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on National Security and Defence (budget—study on health care provided to veterans—power to hire staff and to travel) presented in the Senate on February 13, 2003.—(*Honourable Senator Meighen*).

Hon. Michael A. Meighen moved the adoption of the report.

The Hon. the Speaker: Do you wish to speak, Senator Meighen?

Senator Meighen: No.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

There is a question before the question.

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I thought that the Honourable Senator Meighen was going to speak on the report. I am going to propose that the order stand until the next sitting of the Senate.

[*English*]

The Hon. the Speaker: Honourable Senator Meighen, do you wish to respond?

Senator Meighen: Perhaps we could defer it to the next sitting of the Senate?

On motion of Senator Robichaud, debate adjourned.

• (1510)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the tenth report of the Standing Senate Committee on Internal Economy, Budgets and Administration, presented in the Senate earlier this day.

Hon. Lise Bacon moved the adoption of the report.

She said: Honourable senators, the tenth report represents a culmination of what has been a challenging process. Last fall, at the beginning of the second session of this Parliament, committees obtained their orders of reference from the Senate and submitted their budget requests to the Standing Senate Committee on Internal Economy, Budgets and Administration. Since witness expenses were lower than had been originally forecast, \$1,400,000 was made available to committees for their legislative and policy work.

As is usually the case, the demand for funds exceeded the available resources. A process was developed to allocate funds in a manner that treated committees equitably, allowing them to pursue their work while respecting budgetary constraints. Guidelines were developed to meet these objectives. I should like to thank those senators who understood and respected the need for a set of guidelines to assist us in our work.

Your committee acted in a timely way to ensure that funds were made available to committees as quickly as possible. All committees received funding from the Senate in early December, and, in most cases, the funds released were sufficient to carry the committee to the end of the fiscal year. However, your committee knew that its job was not done. It made a commitment to review the situation after the Christmas adjournment. By reviewing further demands on the budget and the availability of funds, it was then in a position to make recommendations for supplementary releases.

The most important principle that guided your committee was that of fairness. All committees should be given an equal opportunity to request funds and know that their requests will be given full and fair consideration. I should like to emphasize that there are no super committees and there are no super senators. All committees consider their work to be of great value. The duty of the Standing Senate Committee on Internal Economy, Budgets and Administration is to allocate funds in a responsible way to enable all of them to pursue their goals. It is not a question of the squeaky wheel getting the grease.

Therefore, upon presentation of its ninth report, your committee invited all committee chairs to submit their requests for supplementary releases and to indicate whether they anticipated any other budgetary requests this fiscal year.

Requests for supplementary releases were received from four committees. In addition, two committees requested a transfer of funds between categories of expenditures. The Standing Senate

Committee on Internal Economy, Budgets and Administration was able to show greater flexibility with respect to the guidelines than had been possible in the fall, since we were able to fully assess the available funds and the likely demands on the budget. We were fortunate that the remaining funds were sufficient to cover nearly all the requests for supplementary funding.

The tenth report includes the recommended release of funds to the Standing Senate Committee on Banking, Trade and Commerce and the Standing Senate Committee on Energy, the Environment and Natural Resources to increase the number of senators travelling on fact-finding missions to the United States. The Standing Senate Committee on Aboriginal Peoples will receive funding for working meals, transcription and youth round table discussions.

The only request for supplementary funding that could not be fully implemented was that of the Standing Senate Committee on National Security and Defence. This committee increased its requests beyond what had been in its original budget submission for a trip to Washington. We were able to provide funding only for the original request.

If the tenth report is adopted, and, taking into account a possible small budget request for the Standing Senate Committee on Transport and Communications, all but \$2,400 of the remaining \$106,000 will have been allocated.

I should like to thank my colleagues on the Standing Senate Committee on Internal Economy, Budgets and Administration, especially those who work with me on the Steering Committee, for all their help in what has been a difficult and demanding process. I would also like to thank all senators who have understood and respected the constraints under which we have been working.

As we head into the new fiscal year, I have no doubt that we will be faced with some difficult decisions. I wish to assure honourable senators that we will continue to treat committees fairly and equitably. We wish to support and facilitate the work of all committees and we must do so within the budget. Until we receive all budget requests, we cannot know how great a shortfall, if any, exists, and which guidelines will be appropriate.

In the meantime, I have every confidence that my colleagues and I on the Standing Senate Committee on Internal Economy, Budgets and Administration can count on your support and understanding as we continue in this challenging endeavour.

Honourable senators, I urge you to adopt the tenth report.

Hon. Tommy Banks: Honourable senators may have had an opportunity to read a letter that I sent to all senators about this subject and attachments to the letter. It expresses confidence in the absolute fairness of Senator Bacon's committee. Without obviating any of the concerns expressed in that report, I wish to compliment Senator Bacon and her committee on the considerable flexibility that has been shown in the report she has presented today. I thank her and her committee very much for that and congratulate them on the stance they have taken.

Hon. Gerald J. Comeau: Honourable senators, has the honourable senator's committee reconsidered its position on committees that travel on fact-finding missions and the number of senators who travel with such committees, as well as whether her committee favours committees that travel for public hearings? In other words, if a committee travels on a public hearing, all committee members are invited to go. If it is a fact-finding mission, the committee must reduce the numbers and tell a few of its members that they cannot go. Did the senator and her committee reconsider this position?

• (1520)

Senator Bacon: I take note of what the honourable senator has said, but depending on how much money is requested by the committees, we might need another set of guidelines.

Senator Comeau: Looking at the guidelines again, the honourable senator mentions that it depends on the money. If the honourable senator were to do an evaluation or cost accounting of a committee that travels on public hearings versus a committee that travels on a fact-finding mission, I think she would find that the fact-finding committee spends a lot less money than the full-fledged committee conducting public hearings with all the equipment, travellers, stenographers, interpreters and so on. I raise this matter as an issue of cost. It is actually much cheaper to travel on a fact-finding mission than on public hearings.

Senator Bacon: I do not want the honourable senator to forget that we are a bilingual country. When there is a public hearing, I think both languages should be used. Therefore, we must travel with interpreters. I know it is very expensive, but that is what our country is all about.

Senator Comeau: I do not think I need to take any lessons from the honourable senator on the fact that we are a country that tries to recognize the two official languages. If she were to look at the travel record of my committee, we do respect the two official languages. That was not the point I was trying to raise.

My point is that if a committee travels on public hearings, it is much more expensive than a fact-finding mission. In other words, had our committee applied to go on a public hearing, we would have been granted permission for all of our members to travel. The fact that we applied to go on a fact-finding mission, which is much cheaper and more cost effective, meant that we were denied the full number of members travelling on that committee.

Senator Bacon: I do not think I can add anything other than what I just said. Public hearings also are important to the population of Canada who follow what the Senate and honourable senators do.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

LEGACY OF WASTE DURING CHRÉTIEN-MARTIN YEARS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator LeBreton calling the attention of the Senate to the legacy of waste during the Martin-Chrétien years.—(*Honourable Senator Bryden*).

Hon. J. Michael Forrestall: Honourable senators, I rise to speak to this inquiry.

In 1963, the CH-124 Sea King maritime helicopter entered service with the Royal Canadian Navy. That same year, the CH-113 Labrador search and rescue helicopter entered service with the Canadian Air Force and Army for search and rescue purposes. The Sea King was the leading edge in antisubmarine helicopter activity.

I am told that when the first Sea Kings were flown into Canada's main naval anchorage at Halifax back in 1963, it was a beautiful summer evening. The old Sikorsky horse was dead and the aircrews were proud of their brand new naval helicopters.

In those days, Canada had a light fleet aircraft carrier, the HMCS *Bonaventure*, and a fleet air arm. Every Sea King pilot in those days was a naval aviator. Pearson government ministers like Paul Hellyer, with their movement toward unification and the resulting disruption that followed, ended all of that. In the end, the Trudeau government killed off the *Bonaventure* fresh from a refit in 1969.

By 1978, even the Liberal cabinet of Pierre Elliott Trudeau knew there was a need to replace the Sea King helicopter in the not-too-distant future. Thus, in July 1978, the New Shipborne Aircraft Project was registered in the Defence Services Program. That same year, the Labrador search and rescue helicopter was identified for replacement. By 1981, the New Search Helicopter Project was registered in the Defence Services Program as well.

The Trudeau Liberals were replaced by the Turner government. In the ensuing period, the Sea King and Labrador helicopter replacement program moved quietly along until the Progressive Conservative government of Brian Mulroney took power in 1984. For the defence community, it was a bit of a joyous day, having suffered dreadfully at the hands of both the Pearson and Trudeau governments.

By 1986, the Mulroney government's Treasury Board gave preliminary project approval to the New Shipborne Aircraft Project to replace the aging Sea King, then 23 years of age. Under the Mulroney government, the project moved rapidly forward. By September 1986, a request for proposal had been issued to industry for new shipborne aircraft. Only two companies responded to the request for proposal in February of 1987 — Eurocopter and EH Industries.

In August 1987, the project definition portion of the program was awarded to EH Industries for a new shipborne aircraft. The Eurocopter Cougar was deemed non-compliant with the Department of National Defence's specifications. In April 1988,

a contract was signed for the New Shipborne Aircraft Project definition phase with EH Industries. The EH-101 maritime helicopter had been born. It was a large, robust, long-range maritime helicopter with three engines. I draw your attention to the three outstanding records of that piece of equipment just in the last two months.

Meanwhile, in January 1990, the Department of National Defence approached EH Industries and Boeing for price and availability of a new search helicopter to replace the aging Labrador fleet. In December 1990, almost a year later, a new search helicopter definition was approved. When the Department of National Defence examined the capabilities needed in a search and rescue helicopter of size, range and reliability, they found that they had just purchased the EH-101 for those very special capabilities as a maritime helicopter.

The advantages of a joint program were obvious. With commonality of aircraft for both naval and search and rescue, the government could save on spare parts, training and aircraft simulators. Thus, in March 1991, the Department of National Defence decided to combine the New Shipborne Aircraft and the New Search Helicopter Projects. In July 1992, the Mulroney government announced the purchase of 50 EH-101 helicopters, of which 35 were for the Sea King replacement and 15 for the Labrador helicopter replacement, in a combined New Shipborne Aircraft and New Search and Rescue Helicopter Program. By October of 1992, contracts for import were signed with EH Industries and Paramax for 50 EH-101 helicopters valued at \$1.4 billion, and their mission systems valued at another \$1.4 billion. The EH-101 was, at most, only four years away for the deliveries of the first complete helicopters.

• (1530)

Then, in a move that can only be described as crass opportunism, in September of 1993, then Liberal Opposition Leader Jean Chrétien seized on the EH-101 for political purposes, charged that it would cost \$5.8 billion and vowed to scrap the contract with EH Industries and Paramax for 50 complete EH-101s to further his apparent behind-the-eight-ball electoral agenda. After all, the Cold War was over and the Sea King crews could be sacrificed as part of the peace dividend. The welfare of the military had never been on the radar sight of Jean Chrétien or that of any other Trudeau cabinet minister.

In response to the vociferous Liberal attacks, in 1993 the Progressive Conservative Prime Minister Kim Campbell cut the number of EH-101s ordered from 50 to 43, as changes in the structure of the navy and capacity of the aircraft provided economies of scale that enabled a reduced order. However, this was not good enough. The smell of political blood thick in their nostrils, the Chrétien Liberals used the EH-101 issue to wage electoral war on Prime Minister Campbell until the program, like Campbell, was politically dead. In November of 1993, Prime Minister Jean Chrétien scrapped the combined helicopter replacement program with a stroke of a pen. The government incurred penalties for cancellation of \$500 million that they would admit to, although other sources placed the costs of cancellation at well over \$1 billion.

By November of 1996, a request for proposals for the Canada Search Helicopter project was issued to industry. The competition would be conducted based on a single procurement, with best value to the Crown and the Canadian taxpayer at the centre of the program.

In May of 1997, four bids were received from industry for the Canada Search Helicopter, which is the Labrador replacement. The Euro-copter Cougar, the Boeing Chinook and the Sikorsky S-70 Seahawk were deemed by the Department of National Defence to be non-compliant. After several attempts to backtrack on the competition outcome, the Liberals admitted defeat and, in the absence of Parliament in January 1998, the government somewhat sheepishly announced plans to purchase 15 EH-101 Cormorant helicopters for the Canada Search and Rescue Project, in other words the Labrador replacement. The value of this was \$790 million, and it was a single contract. Another \$1.7 billion in estimated long-term in-service support costs was hidden in small contracts, renewable for up to 20 years — a contract that was given to IMP, Industrial Marine Products in Halifax. This information was not released to public view until the 2000 election.

To this day, the government would rather walk barefoot over hot coals than admit to the hidden costs, as access to information articles point out that they present a “communications challenge” when compared to the Progressive Conservative Party’s EH-101 program. The former Minister of National Defence claimed in confidence, to whoever would listen, that the purchase was like sticking a fork in his eye.

Finally, in August of 2000, the Chrétien government announced plans to purchase 28 Maritime helicopters to replace the Sea King naval helicopters. The Maritime Helicopter Project was valued at \$2.9 billion and was comprised of four separate contracts, not the single procurement that the aviation industry had been told to expect or that the Department of National Defence and Public Works and Government Services had prepared documentation for over several months.

The project was to be awarded on the basis of lowest price compliance, which is a process, as we all know, that violates Treasury Board guidelines. Industry was baffled. Clearly, the Chrétien government was so fearful to be put in the place of having to purchase the EH-101 again that it formed the so-called “Grey committee” to ensure that they would not have to face a choice, because the choice was between an EH-101 and an EH-101.

In the dark of the night, I believe a group of ministers decided to alter this process to prevent the EH-101 from ever winning the contract, and in their rush to be clever by half, sideswiped the Sikorsky S-92 with a restricted certification process. Again, an estimated \$1.9 billion was hidden from the taxpayer in contracts that would have to be signed after award, and that would pay for 20 years plus service of long-term in-service support. Department of Defence engineers burned the midnight oil all that fall in an attempt to produce separate documentations to support four contracts.

Industry screamed “bloody murder” and it was rumoured, throughout the aviation industry, that the president of the Canadian Aerospace Industry Association had to quietly go to the Grey committee to attempt to plot a path through the procurement and political minefields ahead. EH Industries, the producer of the most expensive EH-101, the Cormorant, and thus the most vulnerable competitor in a lowest price compliant process, immediately took the government first to the International Trade Tribunal and then to the Federal Appeals Court. The Euro-copter Cougar was withdrawn from the competition by its French company when it found out that it could not make the grade to pass the Statement of Operational Requirements. Sikorsky asked for changes to the specifications and contract process that made unreasonable certification demands on its new H-92 that was to have a certification before it was even built. Lastly, NH Industries demanded changes to the specifications or it would withdraw. Part of the problem for its competitor, the NH-90, rested in the fact that it came as a package and, thus, could not compete in a split procurement.

On December 5, the government admitted to major problems in a split procurement process and announced they would merge all four contracts for the Sea King replacement into one project. The terms “bundling” and “unbundling” came from this process.

Hon. Shirley Maheu (The Hon. the Acting Speaker): Honourable Senator Forrestall, I regret to inform you that your time for speaking has expired. Are you seeking leave to continue?

Senator Forrestall: Yes.

The Hon. the Acting Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Forrestall: This the Liberals would do to speed up the process, and lower the risks and the costs — at least so they claimed. In fact, it was almost the direct opposite of what the Chrétien government had claimed only two years earlier. The total value of the new contract was not released, because at the very least, it would be equal to the \$5.8 billion alleged EH-101 program costs that the Liberals campaigned against in 1993 due to the merger of airframe, emissions systems and their in-service support costs into one project.

• (1540)

In January of 2003, with a second war on the horizon in the last two years, this time with Iraq, the Sea King is still flying, and likely will not be replaced, according to government documents, before 2012 to 2015. Every year of delay costs Canadian taxpayers in excess of \$100 million and, every year, costs for the Sea King community rise, both at home and on the high seas. At home, there is frustration and concern about the day the aging and unreliable Sea King will fail to make it back to base safely. On the high seas, the Sea King crews are frustrated. For every hour of flying, it takes at least 30 hours of maintenance to keep it in the air, and then it fails to take off approximately 60 per cent of the time. Even when it gets airborne, its missions fail at least half of the time, making the mission somewhat of a sideshow. They are frustrated that the government does not seem to understand or really care for their well-being.

Lastly, honourable senators, there is a fear that, one day, a Sea King will thunder into the deck of a multibillion dollar frigate in the North Atlantic, causing severe damage to the plane, the vessel, and, God forbid, to the crew.

It is time that we move to rectify this situation, to stop the bleeding, to give the Canadian Armed Forces a ship-borne helicopter replacement that has three, not two, engines, and that can accomplish the feats off the East Coast and off the West Coast that the EH-101 has done and has been noted in the press over the last two or three months. I thank you for your attention.

On motion of Senator Bryden, debate adjourned.

SANCTIONING OF MILITARY ACTION AGAINST IRAQ UNDER INTERNATIONAL LAW

MOTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Roche, seconded by the Honourable Senator Taylor:

That the Senate notes the crisis between the United States and Iraq, and affirms the urgent need for Canada to uphold international law under which, absent an attack or imminent threat of attack, only the United Nations Security Council has the authority to determine compliance with its resolutions and sanction military action.—(*Honourable Senator Rompkey, P.C.*)

Hon. B. Alasdair Graham: Honourable senators, this motion stands adjourned in the name of Senator Rompkey. With his permission, I would like to speak today, if it is agreed.

Hon. Bill Rompkey: Agreed.

Senator Graham: Honourable senators, I rise to speak to the motion of our honourable colleague Senator Roche, which was introduced in this chamber on October 8, 2002. I congratulate Senator Roche for his initiative, as well as all senators who participated in the debate.

Senator Roche argues that Canada cannot escape the serious consequence of a war with Iraq and that it is in Canada's direct interests to work to stop it. Go on the offensive for peace, we are advised. As the intervening months have proven, global public opinion has, in fact, gone on the offensive. The tidal waves of peace and peace demonstrations across this planet have shown that humanity does not want war. In fact, Patrick Tyler of *The New York Times* wrote last week that there are now two international super powers: the United States of America and world opinion.

Polls tell us that the majority of Canadians are now part of the arsenal of the second super power, but I believe that that does not mean that the very close ties that bind the people of Canada and the United States have lessened. I believe all Canadians understand and sympathize with the enormous sadness and frustration felt by our close ally and friend south of the border in

the aftermath of 9/11. Ours is a partnership between two great nations that has always transcended borders. When I say, "Let the United Nations do its work; let the United Nations continue to develop new resolutions and new ways to curb the multi-faceted threat Iraq poses, both to the region itself and to the broader international community," this does not, in any way, detract from my great affection, admiration and indeed respect for the United States or its people at this very difficult time.

I might add that this is a time of great creative opportunity for the United Nations. This is an historic time when windows of opportunity abound. It is a time when the world community has come to the United Nations with unprecedented concerns, with a depth of thinking, and with resolve and a determination to avoid war that is unmatched in the 58-year history of this wonderful institution.

Over the last few weeks, honourable senators, I have sought out references to help with my own thinking on our present difficulties. I hearken back, today, to the words of a great Canadian I once had the privilege to know. When Lester Pearson accepted the Nobel Prize for Peace in 1957, he gave a speech that I commend for reading to all honourable senators. It is called "The Four Faces of Peace." In order to achieve peace, he said:

... what is needed is a new and vigorous determination to use every technique of discussion and negotiation that may be available, or, more important, that can be made available for the solution of the tangled, frightening problems that divide us today, in fear and hostility...and thereby endanger peace. We must keep on trying to solve problems, one by one, stage by stage, if not on the basis of confidence and cooperation, at least on that of mutual toleration and self-interest.

Tangled, frightening problems. The tragedy of war. Use every technique of discussion and negotiation that is available. Lessons from the past. A message from 1957 from a diplomat, professor of history, cabinet minister, war veteran, and later to become Prime Minister of Canada.

This is a message that is about creating peace and saving human lives. It is about taking the time to put humanity first, and it is about rejecting the quick fix based on emotion and frustration, no matter how solidly rooted those reactions are in the kinds of depraved attacks the American people have suffered. Yes, Pearson's message possesses a wisdom that cuts across generations and decades, across politics as we know it, and ideologies, across developing and developed countries in this current unhappy world of ours. It is about letting the United Nations do its work. It is about putting all of our resolve, all of our determination and the best of our diplomatic talent into the service of the kind of passionate internationalism for which Canadians are renowned.

• (1550)

I am not one of those who believe that Canadians should follow the lead of the United States merely because it may be economically or politically helpful to do so. The Right Honourable Jean Chrétien had one of his finest hours as Prime Minister of this country when he went to Chicago two weeks ago

to deliver an important message to the Council on Foreign Relations and, indeed, to the American public. It was a message that he has stated over and over again. His message has been that multilateral institutions are essential to managing our world. I quote from that speech. He said that "...the long-term interests of the United States will be better served by acting through the United Nations than by acting alone." Later in that speech he said, "...given a proper chance, the United Nations will fulfil its obligations to the world community."

Honourable senators, one cannot overstate those words: "...given a proper chance, the United Nations will fulfil its obligations to the world community." Despite all the pressures of today, I believe we must continue to exercise patience. We must exercise restraint. We are faced with enormously tangled difficulties that seem to defy our very human capabilities. Much of the international community has not been persuaded that pre-emptive strikes against Iraq are supported by international law, or, even more important, that they are necessary at this particular moment in time.

However, try telling that to many Americans still reeling in the aftermath of the tragedy of 9/11. Their perception is enormously different from that of the Europeans who have remained free from attack in these dangerous times. Americans now understand the full significance of national security and are acutely conscious that all instruments possible must be brought into play to secure it.

Europeans, on the other hand, are in a very different phase in their history. They have been engaged in a remarkable process of ceding aspects of sovereignty to the European Union. Europeans have experienced the horrors of two major wars on their territory, and many believe that war is no longer an acceptable instrument of national policy.

Canada, whose gaze is often fixed on their gigantic neighbour south of the 49th parallel, and its people are better equipped to understand the American perception of what national security entails. While many Canadians may fail to see an immediate security threat coming from the tyrant, dictator and butcher of Baghdad, Saddam Hussein, they are, both through instinct and understanding, fully aware that one must treat American perceptions as reality.

As well, many thoughtful Canadians are legitimately fearful that, if we support our ally without reservations with regard to the exercise of military force against Saddam Hussein, we will contribute to undermining the international system that our two countries have worked so hard to build.

Honourable senators, right now the heart of that international system, the United Nations, is home to small and middle-sized countries speaking their minds, airing their opinions and expressing their resolve. The world's foremost power sits in the same committee rooms, often frustrated and bewildered. The point is that the United States is still there.

Let the United Nations do its work. No matter what the outcome, have faith that the international organization will prove conclusively that these have been some of its finest hours and that

we will continue to see that, while the international community generally abhors Saddam Hussein, the same community abhors war much more.

Canada must do everything it can to avert the tragedy of war. We must do it for the international institutions that the global community has built together for over half a century. They are the only means we have to reach a modicum of peace and security in this new century. We must do it for the tens of thousands of innocent Iraqis who will die, bound to the insidious lust for power of a pariah regime, which is, we must remember, only one among many. We must do everything we can to avert the tragedy of war for the United States itself and for its place in the world. It is a country that has been a force for good in so many corners of the globe, but it risks, more now than at any time in history, being misunderstood and isolated as a lonely superpower.

Honourable senators, we must undertake all of this through the arsenal of our diplomacy. Canada is an experienced middle power, and our flag is respected around the world. This week, and the next may prove to be the milestones in terms of the way future generations will write about war and about peace. Canada must continue to make it clear that war is a last resort and that a war with Iraq will be no cakewalk. It will be brutal and ugly, and there will be great loss of life on all sides.

While there is much discussion of the benefits of regime change, and while every diplomatic, political and military strategy, short of war, must be employed to remove Saddam Hussein, we must remember that the process of reconstruction of Iraq, after Saddam, will be difficult, costly, and require a united, long-range vision.

The deep sadness inherent in the beating heart of anti-Americanism, in all its ambivalence, can be felt in this little poem I saw recently in the London *Guardian Weekly*. It was written by Saadi Youssef. It was translated from Arabic. I quote from that poem:

I too love jeans and Treasure Island
and John Silver's parrot and the balconies of New Orleans.
I love Mark Twain and the Mississippi steamboats and
Abraham Lincoln's dogs.
I love the fields of wheat and corn and the smell of Virginia
tobacco.
But I am not American.
Is that enough for the Phantom pilot to turn me back to the
stone age.

• (1600)

All honourable senators have read about the sad sweep of European anti-Americanism to the extent that many of America's most admirable qualities — in many circles, the proud democratic principles of the great republic, "the land of the free," "the home of the brave" — have been eroded beyond recognition. John LeCarre wrote in *The Times*, of London, last month, that "America has entered one of its periods of historical madness, but this is the worst I can remember."

Honourable senators, I am one who would urge Europeans to think twice before engaging in the convenient simplicity of anti-Americanism.

The Hon. the Acting Speaker: Honourable senators, Senator Graham's speaking time has expired. Is leave granted for him to continue?

Hon. Senators: Agreed.

Senator Graham: Honourable senators, an incident at an international conference that I attended in 1979, 24 years ago and 10 years before the Berlin Wall came down, may be worth recalling. The conference was held in the old Reichstag, in then West Berlin. A resolution had been introduced proposing that the Europeans go it alone with a European alliance. Obviously, the objective was to reduce dependence on NATO. The scuttlebutt in the halls was that the Europeans were worried about what they perceived to be indecisiveness on the part of then President Jimmy Carter. They also thought that Ronald Regan would win the upcoming U.S. election. They feared not so much Regan, but the independent hard line of those around him.

When it came time for me to speak to the resolution, I invited the delegates to take what we referred to in North America as a "7th inning stretch." I remember it as though it happened yesterday.

Outside, you could hear the ominous rumbling of tanks as they patrolled in the vicinity of the building, which, in effect, formed part of the Berlin Wall. When all the delegates were standing, I urged them to turn around and, through a couple of large windows at the back, I directed their attention to the soldiers on top of the observation tower on the East Berlin side of the wall. There they were, automatic rifles at the ready and binoculars focussed on the windows of the large auditorium in which we were meeting. "As soon as the Russians start coming over that wall," I said, "we will all be calling for our friends, the Americans, to come and help us out once again." The resolution was defeated.

Honourable senators, I believe that, in these times, Canada has an enormous responsibility on the international stage: to ward off the dangers of an all-encompassing clash of civilizations. As a multicultural country that is internationally renowned for tolerance and respect for diversity, and as a country that shares an enormous continent with the world's only superpower, we possess an understanding and a global appreciation that is rare in these difficult times.

As we speak in this beautiful chamber today, our diplomats are working overtime, here at home and at the United Nations, using every technique of discussion and negotiation that may be available, as Lester Pearson once advised. The Canadian compromise on Iraq speaks to all sides at a time when our great powers of bridge-building are, once again, imperative to the resolution of a grievous threat to peace and security.

As the next critical weeks unravel, our diplomats and statesmen must, and will, remain active internationalists, as they have been over the decades and as they are proving to be so brilliantly today, building compromise and consensus in the organization that we so effectively helped to create.

Let them get on with their work and remember that, given the proper opportunities, the United Nations will fulfil its obligations to the world community. Peace depends on it; and I believe we still have time to give peace a chance.

Some Hon. Senators: Hear, hear!

Hon. Lowell Murray: Honourable senators, may I ask the honourable senator a question?

Hon. Senators: Agreed.

Senator Murray: The honourable senator urged us, several times during the course of his speech, to urge the world to allow the United Nations to do its work. How does Senator Graham define "the work" of the United Nations in respect of Iraq in light of the various UN resolutions that have been placed on the record over the past 10-12 years?

Senator Graham: Many resolutions have been passed in respect of Iraq. I recognize that UN Security Council Resolution 1441 encompasses all of the resolutions that were passed and, indeed, ignored by Iraq. We now have the latest resolution, which was introduced by the United Kingdom on behalf of the United States and Spain, I understand.

How will the United Nations deal with Iraq? I think that we have come to a new stage in the evolution of our relations with Iraq and with that part of the world. I am not one who believes that inspectors should be given an open ended instruction to continue their work for months without coming to some kind of strong resolution. However, I have great confidence in Dr. Hans Blix and if he were to ask for more time for his inspectors, we would come closer to achieving a resolution.

Senator Murray: I appreciate the reply that the honourable senator has given. However, to put it more precisely, is the job of the United Nations, in respect of Iraq, to inspect Iraq; or is the job of the United Nations, ultimately — in my friend's view, that would be something short of a few months — to inspect and disarm Iraq?

Senator Graham: Yes. I would respond very much in the affirmative.

Senator Murray: The honourable senator referred to the Canadian compromise. I am aware that, yesterday or the day before, the Canadian ambassador made a statement at the UN. Could Senator Graham describe the Canadian compromise?

Senator Graham: The Canadian compromise is to urge for more time for the inspectors to do their work and to have a specific deadline as to when the inspectors must present a final report.

Senator Murray: Has the deadline been specified?

Senator Graham: We are unsure of a specific deadline. I believe that the Canadians were talking about two weeks, but I do not know if an exact date was suggested.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): What will happen next?

Senator Murray: Dr. Blix has put forward for a March 1 deadline for Iraq to destroy its missiles. However, I believe that Canada is talking about a general deadline for the disarmament to take place. I wish to ask another question which, I hope, is not unfair. I ask it more to stimulate contributions from other honourable senators during the course of the debate. My party and a number of other people in the country have taken the position that Canada should not be associated with any military action against Iraq, unless that action is sanctioned by the United Nations. That position is close to Canadian public opinion.

• (1610)

In light of the existence of five vetoes at the United Nations Security Council, is the honourable not concerned about that position? If we and other countries thought that military action was necessary, and it was vetoed by one of the five powers at the United Nations, does our prior commitment not to go to war except under the United Nations not constitute a veto of our foreign policy, even though we and the other countries may feel that course of action is necessary?

Senator Graham: The honourable senator's question speaks to two points. First, I believe the veto powers of the five permanent members of the Security Council needs review. Second, my position would be that we should not go to war against Iraq without the approval of the United Nations.

Senator Murray: Does the honourable senator agree that, as far as Canada is concerned, the Prime Minister has left all options open?

Senator Graham: That is why he is such a great leader, honourable senators, and why he has been the Prime Minister of this country for the last 10 years.

Hon. Douglas Roche: I should like to congratulate the honourable senator and thank him for a perceptive and sensitive speech, which has done the Senate proud. I hope that it gets the wide circulation it deserves. However, I do have a question to put to the honourable senator.

My question is in the context of what Senator Graham said, namely, that Canada is an experienced middle power and has an enormous responsibility and a great capacity to bridge-build. I agree with that position. Would the honourable senator draw on his own experience and tell us how the two positions that I will outline briefly can be bridged?

The first position is in the resolution of the United States, the United Kingdom and Spain tabled yesterday in the UN. There is only one operative paragraph after the preamble; it says "Iraq has failed to take the final opportunity afforded to it in resolution 1441." The translation of that is that we are ready to go to war because Iraq has not complied.

France, Germany and Russia put the second, and polar opposite, position forward in a memorandum today, which says, "Inspections have just reached their full pace. They are

functioning without hindrance. They have already produced results." Therefore, if you favour this position you favour a deeper inspection process and not war.

Can these two positions be bridged? What can Canada do, while maintaining its position of credibility in bridge-building, to make a contribution to the UN that could avert war?

Senator Graham: Honourable senators, Senator Roche is absolutely right. We have had a reputation for bridge-building as a middle power and as a non-interventionist country. I believe that, as I indicated, we should keep talking. I would not favour, under any circumstances, a pre-emptive strike or going to war on the basis of the latest resolution that has been tabled on behalf of the United Kingdom, the United States and Spain.

The resolution itself that the honourable senator mentioned is being sent back to all the capitals of the world that may be involved. My understanding is that it will be discussed again at another private meeting on February 27.

In the meantime, I am sure that Canada will be able to live up to the wonderful traditions that were set by people like Mr. Pearson, through the Prime Minister, who is in regular contact with the leaders of the world, our foreign minister and our ambassador to the United Nations, with whom I had an opportunity to meet and discuss this matter when I was at the United Nations with the Inter-Parliamentary Union in the latter part of November.

Senator Roche: If Senator Graham has the opportunity to speak with the Prime Minister of Canada, I hope that he will convey the message that he is on the right track in trying to build this bridge and that he has many Canadians behind him in this process.

Senator Graham: I would be happy to deliver that message on behalf of Senator Roche, who is well known at the United Nations as a former ambassador for disarmament. He has a serious interest, as we all do, in matters of this kind.

Hon. Marcel Prud'homme: Honourable senators, I join with the honourable senator in thanking Senator Graham for his speech. I listened attentively in my office. That is one advantage of being so close to the Senate chamber.

In order to understand the situation of today, I am of the strong view that one must go back to in history to see how this situation started and how we reached this point. Senator Graham is a prominent member of the Standing Senate Committee on Foreign Affairs and a friend. I see here in the Senate at least one surviving member of the famous Committee on Foreign Affairs chaired by Senator van Rogen, which, for three years, studied the Middle East and Canada's interests in that region. Senator Murray played a major role in the early 1980s, until another senator who sits on that side, whose name I will not mention, took over. They are the two surviving members who sabotaged the study of that committee after three years. That will be part of my speech when the debate eventually is in my name.

Does the honourable senator not agree that, for the better understanding of honourable senators, pressure should be brought to bear on the Standing Senate Committee on Foreign Affairs to have at least, as I said in my speech last week, an open meeting for all honourable senators interested, so that they may be briefed on the situation in the Middle East? I am not referring to the daily accidents, incidents, murders and counter-murders. I am referring to briefing that would add to our knowledge of the present situation.

I hope Senator Graham will join me in my efforts in the weeks to come, because, if war with Iraq comes about, it will be horrible, not only in Iraq as people think, but also in other parts of the world. If something were to happen there, it would unleash hate and other difficulties around the world. I hate the word "terrorism," but we are all familiar with the concept. Anyone who has followed this situation for 40, 10 or even 5 years knows that concept.

• (1620)

Would it be wise and advisable for what is in my opinion the most prestigious committee of the Senate, the Standing Senate Committee on Foreign Affairs, to at least revisit this issue? I know the pressure committee members are under to revisit the study that was undertaken by some of the most prominent senators of the time, including former Senators Lapointe, Hicks, Flynn and Macquarrie, all prestigious senators who gave three years of their time to this study. At the end of the day, the results of the committee were sabotaged.

Is it not time, 20 years later, regardless of the pressure and the difficulty, to revisit and study the true role of Canada in the Middle East? In that way, we might become educated.

Today, we heard about Mr. Pearson in 1957. I would speak about Mr. Pearson in 1947 at the United Nations and his role at that time.

Would the honourable senator work within his party and join with me to pursue this endeavour? I do not wish to speak against anyone. I wish to ensure that we are better informed and that we play a role. Canada has a role to play. Has not the time come to play our role? By being better informed, we might play a better role.

Senator Graham: Honourable senators, that was a long preamble to the question, which was repeated on several occasions. However, I do understand, with the greatest of respect, the intense interest of Senator Prud'homme in this problem and in that particular part of the world. I agree with the honourable senator that if war breaks out in Iraq, it will spread to adjacent countries.

With respect to the specific representation of the honourable senator, I would be happy to bring the matter to the Foreign Affairs Committee and especially to its chairman.

Hon. John G. Bryden: Honourable senators, I should like to ask Senator Graham a question following on a supplementary I had planned to ask Senator Murray.

Is Canada's clear position that we would not agree to military action without the support of the UN? What would happen if one of the members of the Security Council were to use their veto? If every member of the Security Council, except for a single country using its veto, supported a final decision that there was no way to accomplish the enforcement of the resolution except by armed intervention in Iraq, what would be Canada's position?

I do not wish to put words into the mouth of the honourable senator because none of us know, but would that not give a significant reading to the vast majority of countries represented at the Security Council, even if France, for example, decided to use its veto? If the United States is standing against public opinion, where is public opinion in this situation?

Senator Graham: Honourable senators, there is talk that France could use its veto power or may even abstain. If France abstains and the resolution passes, I believe that Canada must support the United Nations.

Senator Bryden: What is the view of the honourable senator on a question that is asked regularly in relation to this difficult situation: Why must we move now when there have been violations for a long period of time? What has generated the absolute, total commitment of the United States to reach a conclusion with Saddam Hussein at this time? What would be a satisfactory conclusion?

The Americans began with a demand for a regime change. Then they asked for the elimination of weapons of mass destruction. Then they pushed for disarmament. Does that mean every handgun? The point that I am getting at, and on which I should like the honourable senator to give an opinion, is this: Is there any limitation to concessions or surrender that the regime of Saddam Hussein must agree to that would stop the United States from going in and cleaning up the job?

Senator Graham: I wish to thank the Honourable Senator Bryden again. The goal is total, absolute disarmament and nothing less. Again, we must put our faith in Dr. Blix to make that kind of determination and to make the recommendation to the appropriate authorities at the United Nations.

I have tried to explain that the agitation in the United States was obviously heightened by the events of 9/11. The honourable senator asks: Why now, because it has been 10 years since the Gulf War and many breaches of UN resolutions on the part of Iraq? There has been little or no conformity whatsoever.

I was invited to go to NORAD a couple of years ago, shortly before 9/11. I recall speaking to our military people at NORAD and to the Americans about how proud I was of the role that our own Armed Forces were playing at that fascinating place inside Cheyenne Mountain. I came away from there convinced that the biggest threat in the world is terrorism. The biggest threat is not missiles that might come from a power such as the former Soviet Union or a rogue state. I came away with two impressions: The biggest threat to the world is terrorism with a missile that could be

fired from a huge ocean-going vessel, as an example. The second biggest threat is North Korea, because I was told then that they have armed missiles that can hit the West Coast of the United States and/or Alaska.

Senator Bryden: Many interesting questions arise out of what the honourable senator has just said, but I wish to be brief. I believe the Bush administration has a problem that surrounds this issue. The problem is one of credibility with regard to their absolute and categorical statements of what the purpose is — their absolute and categorical statements that Saddam Hussein has weapons of mass destruction, chemical weapons, biological weapons and the means to make nuclear weapons.

• (1630)

People have asked how the Bush administration knows that he has these weapons. The answer that one finds on the Internet is that they have the receipts.

Yesterday morning, I heard on CBC radio the serious allegation that parts of the famous 1,200-page report that was given by Saddam Hussein to the United Nations was also given to the United States in its unlauded version.

Senator Stratton: Is this a speech or a question?

Senator Bryden: I am getting to the question.

The allegation was that the names of the companies that supplied the chemicals, the drawings and the plans, and the names of the people who were involved in supplying the intelligence to enable Saddam Hussein to use these weapons during the war on Iran were expunged from this document and are only now coming to light.

My question relates to credibility. We started out with a war on terrorism. The Bush administration took the position that they would get Osama bin Laden, which they have not done, and that they would stifle terrorism, which they have not been able to do, although we wish they had.

When we are totally frustrated at every turn in our objectives, we go home and kick the cat. Does President Bush simply want to attack a handy target? Would "war on Iraq" be a misnomer? Would it not really be a live fire exercise using real people as targets?

Does the honourable senator believe that the Bush administration has a serious problem of credibility in this case?

Senator Graham: Honourable senators, I am looking forward to Senator Bryden's speech on this issue. I do not want to question the motives or the credibility of the Bush administration.

When I visited NORAD, the raging question of the day was nuclear missile defence systems, which were then being promoted by the U.S. military and George W. Bush, systems that had been talked about by his father when he was president. Of course, Canada took a neutral position. Indeed, some had spoken against a nuclear missile defence system. I believe our colleague Senator Roche made statements in that regard in this chamber.

The question arises: Who will defend North America? Will we leave it all to the United States? Does Canada have a contribution to make? I believe that we do, but we will not make that contribution by imputing motives to our friends south of the border. However, we must be honest. I said in my speech that I would not be one of those who would support unilateral American action merely for political or economic reasons.

Senator Bryden must draw his own conclusions with regard to whether he has seen the receipts as a result of 10 years of surveillance after what happened between the United States and Iraq and, in particular, Saddam Hussein, and as a result of the work of all the operatives of the United States and other countries who have been examining the situation from the inside, hopefully for the right reasons, that is, to disarm and bring peace to that part of the world and to the world as a whole.

Senator Kinsella: Honourable senators, I join with other honourable senators in thanking Senator Graham for his speech.

Senator Graham spoke of the tragedy of 9/11. If I understood him correctly, he argued that in the light of that horrific experience one might understand the American psychology.

Is it his view that there is a relationship between the disarming of Iraq, a process begun in the early 1990s, and 9/11, which occurred a decade later?

Senator Graham: I thank the Honourable Senator Kinsella for that question. He earlier made a brilliant contribution to this debate from a legal standpoint. I had to read his intervention several times in order to understand the technicalities of international law that the honourable senator brought forward.

Senator Bryden asked the question that Senator Kinsella is now asking: Why now? I think there is a direct relationship between the events of 9/11 and the actions that are being taken at this time in terms of timing.

Senator Kinsella: In the analysis of Senator Graham, the American response is somewhat akin to its response to the attack on Pearl Harbour, which, in the analysis of many, was justified as they had been directly attacked.

Does Senator Graham think that the current American policy is a similar response to the attack on the twin towers? Is this their justification for a possible armed invasion of Iraq?

Senator Graham: It may have something to do with the timing of the response. When President Bush visited the site of the horrific blast that took down the twin towers, he spoke through a megaphone. A fireman said, "Speak louder, we can't hear you." President Bush responded with words to the effect of, "Well, I can hear you, and the whole world will hear you and from us, and those responsible will be held to account for this dastardly deed."

• (1640)

Senator Kinsella: This is what concerns me greatly. Is it the honourable senator's view that there is a causal relationship between the amassing of arms of mass destruction, which is one issue, and the decision of the world community that, subsequent to an invasion of a neighbouring country by Iraq 11 years ago, the tragedy in New York on September 11 is justification for a potential invasion of Iraq? Is this causal relationship distinct from the issue of Iraq having invaded a country and having used weapons of mass destruction? The world community has said, through various resolutions, including 1441, that Iraq has a moral obligation to get rid of those weapons.

I wish to understand the argument made by those who try to connect 9/11 to Iraq having weapons of mass destruction, which the world community has said that they must get rid of.

Senator Graham: I think there are two different situations.

Senator Kinsella: Agreed.

Senator Graham: I think that 9/11 is the catalyst that responds, again, to Senator Bryden's question of "Why now?" Resolution 1441 is replete with resolutions and referrals and broken promises. After Iraq invaded Kuwait, the world responded and got certain undertakings from Saddam Hussein. However, despite all the resolutions passed by the United Nations, promises have been broken. I think there is a direct connection between the timing of the present response and 9/11.

On motion of Senator Rompkey, debate adjourned.

The Senate adjourned until Wednesday, February 26, 2003, at 1:30 p.m.

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(HANSARD)

Wednesday, February 26, 2003

—
THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Wednesday, February 26, 2003

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

[Translation]

SENATORS' STATEMENTS

ISSUANCE OF STAMPS HONOURING EMINENT SENATORS

Hon. Jean Lapointe: Honourable senators, today, I believe, I have some good news to announce.

Some time ago, Senator Sparrow whom I admire greatly for his valuable contributions to the Senate and for his personal brand of humour, made a rather original but also somewhat negative comment concerning my motion on time allocation for tributes. At that time, he described my suggestion on issuing Canadian postage stamps honouring some of our eminent past senators as "tongue in cheek." He thought it was all a joke.

Honourable senators, the joke is now on Senator Sparrow. I have had the privilege to sit on the Canada Post advisory committee for several years now, and at a meeting last week in Toronto, I humbly recommended to the committee that a booklet of stamps be issued honouring five or six eminent senators who have contributed, over the years, to making our country the great place to live in that it is today. This number could, I might add, be raised to twelve, if the committee decided to issue what is termed a double booklet.

I would like honourable senators to know that my suggestion was very well received by the President, the Honourable André Ouellet, and committee members. The names suggested were compiled with the assistance of the Honourable Serge Joyal. I thank him for his suggestions.

They are: the Honourable Cairine Reay Wilson of Ontario, the first woman appointed to the Senate; the Honourable Raoul Dandurand of Quebec, who is ineligible because there has already been a stamp honouring him; the Honourable James Gladstone of Alberta, the first aboriginal senator; and the Honourable Arnold David Croll of Ontario.

Today, I am asking for your cooperation. If you have any other eminent senators to suggest, I would appreciate your sending their names to my office along with a brief curriculum vitae, so that I may pass them on at the next Canada Post advisory committee meeting.

People selected as subjects of stamps are always chosen for good reason. Those senators selected will finally be gaining recognition for the true value of their contributions.

I will soon be done. If you do not allow me to finish, I shall never submit the name of the Speaker of the Senate for a stamp.

The Hon. the Speaker: Honourable Senator Lapointe, your time is up.

[English]

Senator Lapointe: Honourable senators, I need seven seconds.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

[Translation]

Senator Lapointe: I believe that a series of postage stamps honouring eminent senators would allow Canadians to learn about and better understand all the work that is done here; it would have a very positive effect on the Senate's image, both here and abroad.

[English]

BRITISH COLUMBIA

BID FOR WINTER OLYMPIC AND PARALYMPIC GAMES 2010

Hon. Gerry St. Germain: Honourable senators, last weekend a clear majority of Vancouver residents expressed their support for British Columbia's bid to host the 2010 Winter Olympic and Paralympic Games in Vancouver and Whistler.

In addition to the many sports and community legacies the games will provide, the Olympics are expected to generate huge economic benefits. Factoring in the expansion of the Vancouver Convention & Exhibition Centre, the games will generate up to \$10 billion in net economic activity, create up to 228,000 jobs and raise more than \$2 billion in provincial, federal and local taxes.

The games will show the world that British Columbia is open for business at a new level. We will raise Canada's international profile and contribute to increased foreign tourism and investment to boost the economy and create jobs.

The province and the Government of Canada have each invested \$9.1 million in the bid phase of the project. A further contribution of \$10 million has been announced for the training of high-performance athletes.

I hope all honourable senators will join together in calling upon the federal government to financially assist B.C. in a manner no less substantial than it has done in the past when the Olympic Games were held in Montreal and Calgary.

• (1340)

The B.C. Olympic committee needs the support of all Canadians and their respective governments. I believe the Prime Minister said in Vancouver last evening, when addressing the visiting IOC members and the bid committee, that Canadians and British Columbians have a whole lot to offer, and we are confident that this will be one of the best Olympics ever. In 1986, British Columbia held one of the world's best Expo gatherings. We look forward to setting a new benchmark of success for the 2010 Olympic Winter Games.

INTERNATIONAL WOMEN'S DAY

Hon. Vivienne Poy: Honourable senators, on Saturday, March 8, millions of women around the world will gather to celebrate International Women's Day. They will mark this day with rallies, marches, panel discussions and receptions.

While women everywhere come together to celebrate our achievements, this is also an opportunity to reflect on what still needs to be done to meet our goals.

We can all agree that the status of women has improved in Canada and around the world. In the labour market, in the home, and in politics, women are faring better than in the past. Nevertheless, we fail to wield the influence to which we are entitled.

Our numbers are stagnant in politics, making up only about 20 per cent of provincial and federal legislatures, and 35 per cent of the Senate. Internationally, many other nations are reforming their system successfully so as to include more women in public office.

Despite the fact that women fare very well in small business and show aptitude as entrepreneurs and managers, MBA programs are still dominated by men, and, according to a recent board membership survey, women account for only 10.5 per cent of all directors of companies in Canada.

Outside of our institutions, many women in Canada still face inequalities that make their lives a daily struggle for survival. Poverty and violence against women are among the most pressing problems. Single mothers are particularly at risk.

Internationally, women in less developed countries labour under inhumane conditions while trying to educate, feed and clothe their children. As was so starkly illustrated in Afghanistan, there are still women around the world who suffer under intolerable conditions. I am proud to say that Canada continues to play an active role in alleviating the suffering of these women by advocating for access to adequate education and health care. In 1993, Canada also became the first country to issue guidelines on refugee women claimants fleeing gender-related persecution. In the 10 years since then, many fortunate women have found a new home in Canada.

Honourable senators, March 8 is a time to reflect on the lives of the women who have made great contributions to Canada, some of whom are in the chamber with us today. It is also a time to remember all of those women who continue to be denied the right to the dignity we all deserve, as well as to remember that we still have a long way to go to achieve equality in Canadian society.

As men and women in leadership positions, we all have a role to play in bringing about change in Canada and around the world.

BLACK HISTORY MONTH

Hon. Edward M. Lawson: Honourable senators, since it is still black history month, I want to share a story with fellow senators.

If we turn the clock back to June of 1966, James Meredith was attending an African American college. He had applied to the all-white University of Mississippi, and had been rejected. With the help of the NAACP and the Supreme Court, he was admitted in 1961. The Governor of Mississippi, however, barred his attendance. Riots erupted, and James Meredith finally registered only after the National Guard had been called in. He graduated in 1963, and earned a law degree from Columbia University Law School in 1968.

While he was a student, on June 5, 1966, James Meredith and a number of his companions decided to walk from Memphis, Tennessee, to Jackson, Mississippi, 220 miles, to urge their fellow African Americans to register to vote. About 450,000 were unregistered.

Unfortunately, on the second day of the march, some racist redneck shot him with a shotgun. He was actually shot three times. He survived the shooting. Other civil rights leaders, such as Martin Luther King, picked up the march. Over a 21-day period, they marched on to Jackson, Mississippi, stopping at each small town urging African Americans to register and vote.

At this time, my international union was holding its convention in Miami, Florida. The Teamsters International Union expressed the desire to send an international committee to meet the marchers when they arrived and to present Martin Luther King with a cheque for \$25,000, to help with the registration.

We flew from Miami to Jackson, Mississippi, and reported to the policing authorities there. They told us, "If you wear glasses, keep them in a hard case. If you are wearing a tie, make sure it is a clip-on. I asked, 'Why would we do that?'" He grabbed me by the tie, and he gave it a pull. He said, "Son, have you ever been in a riot? You want to wear a clip-on tie or put that tie in your pocket."

The marchers were expected to arrive in Jackson, Mississippi, at about 4:30 p.m. Our international committee consisted of one of our international vice-presidents, Harold Gibbons; a civil rights supporter from St. Louis, Florion Bortosila, lawyer from Michigan who was on our international staff; and they included a Canadian, me, so that we would constitute an international committee which would present this cheque.

Our leader, Harold Gibbons, decided that we would not wait for them to arrive, that we would march out to meet them. At 8:00 in the morning, we started to march out of Jackson, Mississippi. Many people, certainly many African Americans, were waiting for the arrival of the march. Before we hit the outskirts of the town, about 2,000 to 3,000 joined our walk to meet the main body of marchers.

If my three minutes are up, I will continue my story tomorrow.

The Hon. the Speaker: I regret, Senator Lawson, we will have to hear from you tomorrow.

[Translation]

NATIONAL DEFENCE

MONTFORT HOSPITAL— INSTALLATION OF MILITARY HOSPITAL ON CAMPUS

Hon. Jean-Robert Gauthier: Honourable senators, I have good news to announce today. According to a front-page article in *Le Droit*, the Department of National Defence is interested in Montfort Hospital.

The well-researched article said that negotiations between the federal government and Montfort Hospital, on installing the military hospital on the Montfort campus, are well underway and will be confirmed shortly.

Currently, members of the Canadian Forces use the National Defence Medical Centre on Alta Vista Drive in Ottawa. The facilities and the equipment are obsolete. Built in the late 1950s, the Centre has outlived its initial life expectancy. So much so that unless considerable renovations are carried out in the very near future, it will soon cease to be viable as a health care centre.

I have taken an interest in these negotiations for several years now, particularly since the provincial government of Ontario wanted to close Montfort Hospital. In January 1999, the Department of Canadian Heritage announced funding of \$10 million over five years for the University of Ottawa, to establish a National French-Language Health Training Centre. This centre is to train health professionals from across the country, except Ontario and Quebec. This initiative allowed Montfort Hospital to bolster its academic status for training these professionals. This agreement between the University of Ottawa's Faculty of Medicine and Montfort Hospital has helped the community. The hospital's survival was confirmed, as you know, by the courts, several years ago.

The Department of National Defence, together with Ontario's Ministry of Health and Long-Term Care, has asked that hospitals in the region make proposals regarding installing the military hospital in another hospital in Ottawa.

The proposal by Montfort Hospital met the criteria set out by the Department of National Defence in terms of the range of services it could provide. Montfort Hospital proposed installing a Canadian Forces health care centre in the new building, and the administration plans to build right beside the current campus.

Honourable senators, I am very pleased to announce that this project is currently underway. This new hospital complex will provide services in both official languages. It will also be

conducive to providing better quality health services to military personnel and will create a critical mass of professional skills. I am one of those who believe that the new hospital complex will continue to provide the quality services that Montfort Hospital is known for. As we all know, Montfort is one of the best hospitals in the world and more effective in Ontario than any other.

• (1350)

ROUTINE PROCEEDINGS

CANADA PENSION PLAN CANADA PENSION PLAN INVESTMENT BOARD ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-3, to amend the Canada Pension Plan and the Canada Pension Plan Investment Board Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Robichaud, bill placed on the Orders of the Day for second reading two days hence.

[English]

QUESTION PERIOD

THE ENVIRONMENT

IMPLEMENTATION OF KYOTO PROTOCOL

Hon. A. Raynell Andreychuk: Honourable senators, my question is for the Leader of the Government in the Senate in regard to the Kyoto Protocol. When can we expect legislation to clarify how the government will allocate the budget funds and where the responsibilities will lie for implementing the Kyoto plan?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators know that the Kyoto Protocol must not only be a national plan on behalf of the federal government; it must also be a national plan that is coordinated with the provinces. Those discussions have been ongoing for some three and a half years. However, they have taken on a greater urgency since the Kyoto Protocol was passed by both chambers just before Christmas. Plans are ongoing. When plans are confirmed, which require legislation — and one assumes that legislation will be required in some areas — then we will proceed with that legislation.

Senator Andreychuk: Will consultations be broader than provincial government consultations? The implementation of Kyoto has implications for producers and other Canadians. While there have been some discussions, the majority of those discussions have involved the bureaucracies within provincial governments. Very few discussions have involved others who will be affected. Is that situation likely to change?

Senator Carstairs: I reassure the honourable senator that a great many discussions took place with producers through September to December. Oil and gas producers were involved; the steel producers were involved; the automobile sector was involved — all the parties for whom targets have been set.

However, there are also budgetary amounts with which the federal government can proceed, in and of its own authority. I expect much of that work will go forward rather quickly, particularly in terms of our commitment to such things as bringing more ethanol on stream.

Senator Andreychuk: Honourable senators, can the Leader of the Government in the Senate provide me with more information as to what consultations have taken place and will take place, particularly with farm organizations and farmers themselves? There is some consternation within the farming community about tradeable carbon credits for changing farming methodology pursuant to the Kyoto plan. Those credits will be kept by the government until 2008; thereafter, the farmers will receive the benefit.

In other words, although the government is again asking the farming community to adapt their farming methods — to produce carbon credits — it intends to take the benefit of those changes until 2008. This has caused concern, particularly with the Saskatchewan Association of Rural Municipalities. That association states that it is hardly an incentive for farmers to create more credits for the government at a time when farmers cannot even meet the costs of producing grain and other foodstuff.

Second, there has been very little consultation on how to earn credits after 2008.

Finally, some scientists are indicating that one can create these sinks but, at some point, there will be some further release of carbons. If that is the case, will there then be a penalty assessed? How will one quantify carbon to get a credit? If there is further expelling of carbons at a later date in the usual practices of farming or otherwise, will it be detrimental?

This is just one more problem for farmers in Western Canada among so many others. This issue should be treated as urgent by the government. There should be immediate consultations to alleviate these concerns.

Senator Carstairs: Perhaps the honourable senator is not aware, but there has been the ongoing development of an agricultural policy framework between the very farmers whom she mentions this afternoon and the Government of Canada. There will be \$5.25 billion invested from now until 2008 to ensure that this agricultural policy framework takes into consideration the needs of farmers, including the obligations that they may well have to assume under the Kyoto accord. The discussions have resulted in a number of meetings in January around this policy framework. I

will certainly bring the specific concerns of the honourable senator to the Minister of Agriculture.

Senator Andreychuk: There may have been some consultations with some farm groups and particularly with provincial governments. There will be some money released. Western Canada continues to be plagued by such factors as transportation costs, production costs, and global changes, all influences outside their control. If the federal government can do anything to alleviate farmers' concerns, it should do so. Farmers need to make long-term assessments on whether to continue farming. There are some 50,000 farmers in Saskatchewan. However, we have lost 11 per cent of the farm population in recent years and that trend is continuing. One of the issues that is very hard on farm families is uncertainty, and 2008 is not that far away. They need to know what their inputs are and what their costs will be, so anything we can do to alleviate the anxiety and uncertainty in this area, in addition to the funding, would be appreciated.

• (1400)

Senator Carstairs: I thank the honourable senator for her representation, and I want her to know that of the \$5.25 billion package, \$589 million is specifically assigned to helping farmers make the transition. She has, of course, indicated that we have lost farmers. Primarily, that has been a direct result of much larger farms, not that we have significantly less acreage under development at this time. However, she does raise an important issue and that is that consultation must be ongoing with the farmers of this country.

TRANSPORT

THE BUDGET—REDUCTION OF AIR TRAVEL SECURITY TAX

Hon. Consiglio Di Nino: Honourable senators, my question is about the recent budget provision, reducing the air travel security tax by some 40 per cent on all domestic flights. Could the Leader of the Government in the Senate explain why her government chose to apply this reduction only to domestic flights and what the public policy rationale is for not applying the reduction to international flights as well?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the decision was made that there would be adequate revenues generated from a reduction in the levy on domestic traffic but that, at this time, because of the added burden of security obligations for flights leaving this country, the higher levy would have to be maintained on international flights.

I am sure the honourable senator was as delighted as I was with the announcement by the Minister of Transport this week, of full disclosure with respect to the costs of tickets, including the statement that individuals would not be able to list one-way fares if, indeed, the person had to purchase a two-way ticket.

Senator Di Nino: The response to my question last week was actually quite clear, and I thank the Minister of Finance for responding in the budget.

Honourable senators, according to figures from the Association of Canadian Travel Agents, Canada's security fee on international flights is the highest in the world, and I will give you some examples: Israel, \$12.42; France, \$10.64; Australia, \$8.02; Italy, \$2.89; and the U.S., \$7.65 — I do not know if that is in U.S. or Canadian dollars. It could be the same as Canada if it is a U.S.-dollar figure.

Would the Leader of the Government in the Senate explain this huge disparity between Canada's air security fee and that of these other countries?

Senator Carstairs: Honourable senators, a great deal of it can be attributed to the fact that this is an extraordinarily large country with an extraordinarily large number of airports per capita. If one looks south of the border, yes, they have a large number of airports, but they also have a far greater number of individuals travelling. One only has to go to the Chicago airport to understand just what airport congestion can be all about. The reality is that the government did their review, as they indicated they would do, and that review resulted in a clear reduction in the tax. However, this review is ongoing. It will be conducted every year and if all of the resources collected are not necessary to pay the security costs that have come about as a result of 9/11, there will be further reductions.

Senator Di Nino: Would the minister undertake to keep us informed as to the money collected, how much is collected and where it is going? It would be useful to know in future, perhaps on an annual basis. I would appreciate that.

Honourable senators, an ongoing complaint of the Air Transport Association of Canada, which represents the airline industry, is the fact that port security and border security are funded out of general revenues. According to ATAC's Vice-President of Policy and Strategic Planning, ATAC does not understand the logic that says aviation should be user pay in all respects and questions whether it is feasible in the long run given the costs of security, which continue to rise.

Why is it that the Liberal government continues to insist on giving port security and border security preferential treatment, thereby giving benefit to truck, rail and ship travel while punishing the air travel industry?

Senator Carstairs: Honourable senators, there is a fundamental difference between commercial traffic that uses roads and ports, and commercial traffic that uses the airline system. The airline system is used primarily for passenger travel, as the honourable senator knows, and passenger travel expectations for security should be and, indeed, are higher. I suspect the day will never come when the kind of security systems that we have at major airports will exist at every port in this country. I do not believe that it would be economically feasible.

Having said that, there are certain specific ports that need to have their security beefed up; but even in the United States, which has become much more concerned about port security than we have in this country, according to the last estimate I saw, only 3 per cent of the container ships are being examined.

Senator Di Nino: On that point, honourable senators, the minister obviously knows that there has been an increase in travel, particularly across the American border, by rail and bus, since the disaster of 9/11, and there is also a certain amount of passenger

travel by boat. I am not sure we can equate the commercial industry but, in effect, if one travels by airplane there is a charge associated with security, whereas if one travels by train there is not. I do not see how the leader can use the argument she just stated to justify the different treatment of these two modes of transportation.

Senator Carstairs: I am sorry the honourable senator does not like the explanation, but the explanation is still the same. We have much more person-to-person traffic by air than we do by other means, and person-to-person traffic requires far more intense security.

FISHERIES AND OCEANS

AQUACULTURE—HAZARDOUS EFFECTS ON WILD SPECIES

Hon. Gerry St. Germain: Honourable senators, my question is to the Leader of the Government in the Senate and it relates to aquaculture. The situation on the West Coast is that fish farms are creating a serious hazard to the wild stocks. If half of what is written in regard to what has happened in Norway and Ireland is correct, I would like to know what the government is planning to do immediately in order to resolve this serious situation that would impact the wild stocks on the West Coast?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator knows, and certainly as I have read and followed, the significant question that seems to be on the minds of many British Columbians is the tremendous growth of sea lice, or what has been certainly reported as the tremendous growth of sea lice, on salmon as a result of fish farms. That is exactly why, on January 31, 2003, the Department of Fisheries and Oceans outlined a collaborative action plan to be implemented by Fisheries and Oceans in the Province of British Columbia.

Senator St. Germain: Honourable senators, could the minister outline the plan? Is the plan to shut down portions of these operations during the wild species runs? What will be done?

The department is a proponent of the aquaculture industry as well as the regulators. Does the honourable leader not think it is time to move the aquaculture industry to Agriculture and have Fisheries and Oceans be the regulator?

Senator Carstairs: Honourable senators, the Pacific Fisheries Resource Conservation Council released an advisory in November 2002 indicating that there was strong anecdotal evidence to suggest that pink salmon declines were linked directly to sea lice. The action plan was the result of that information. Obviously, the government was doing its job properly in this case. It has outlined a five-part comprehensive action plan to address these potential risks. The action plan will include a freshwater monitoring program, a marine monitoring program, an active salmon farm management approach, a long-term research plan; and a public consultation and dialogue process.

Senator St. Germain: The question is: If it is proven that it is as hazardous as it appears and as the honourable minister has described, would the government be prepared to shut these operations down immediately to protect the wild species on the West Coast?

Senator Carstairs: Honourable senators, at this stage, that is still a hypothetical question. Clearly, both the studies and the analysis must be done, and they must be done in a true scientific manner, where the greatest possible involvement of those in the field, not only on the ecology side but also on the fish farming side, is brought to bear. At that point, a decision will be made.

NATIONAL DEFENCE

CUTS IN GRANTS TO MILITARY ASSOCIATIONS

Hon. J. Michael Forrestall: Honourable senators, my question, which has to do with one that I raised two or three times in recent days, concerns the cutting back on contributions to long, well-established institutions in our country, namely, the Federation of Military and United Services Institutes of Canada and the Conference of Defence Associations.

Yesterday, the minister was good enough to respond to the effect that these institutions no longer met certain defence or government criteria. That is fine. I can accept that. However, I must confess that, if I waited till later on today or tomorrow morning, I could look at the Estimates to determine whether any change has come about with respect to the status of not only those two associations, but also the Army Cadet League, the Air Cadet League, the Navy League of Canada, the Royal Canadian Navy Benevolent Fund, and the Air Force Benevolent Fund. The Security and Defence Forum, which I must admit I have never even heard of, is to receive \$1.7 million. As well, the Canadian Institute of Strategic Studies, the Southern Conflict Studies, the Canadian Institute of International Affairs, and another institute I have never heard of, will receive \$1.125 million. There is also mention of the Institute of Environment Monitoring and Research. I am sure that it is very useful, but why it is in defence, I do not know.

Have any of those been affected by the Estimates that were tabled today or is it just the two that are the subject of my question? If that is the case, that is, those were the only two affected because they no longer met the requirement, then that is a governance problem and that is fine. What is the difference between the work that the Conference of Defence Associations and the Federation of Military and United Services Institutes of Canada are doing now and the work they have been doing since 1932? Why was this decision made to single out, if you will, these two?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the answer is really quite simple. There is a distinct difference between funding the core of an organization; that is, its secretarial staff or, perhaps, its executive director, and funding policy analysis work. The funding is applied to the study. Monies are granted and that particular organization then proceeds to undertake the study.

The funding that was going to the defence group was, in fact, core funding. Over the last few years, core funding for many departments has been cut. For example, the Status of Women has lost all of its core funding. The organization can be awarded

project-by-project funding, but not core funding. The belief is that, if an organization is viable and has a membership base, then the membership base should provide core funding for the organization.

Senator Forrestall: Honourable senators, it will be interesting for the Conference of Defence Associations to mull over that response tomorrow. If I were the Minister of National Defence, I would sooner be on my way to Afghanistan than on my way to the Château Laurier Hotel. However, we know what the minister thinks of that august group of Canadians.

REALLOCATION OF RESOURCES— SCRAPPING OF EQUIPMENT

Hon. J. Michael Forrestall: Can the minister confirm that the government indeed plans cost-cutting measures which will involve scrapping the four Tribal class destroyers, most, if not all, the Leopard main battle tanks, and the C-130E Hercules long-range search and rescue aircraft, as part of a reallocation of resources to help the minister find the \$200 million shortfall that he has, given that he has made a firm public undertaking to do that? Will he do it on the back of the military.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, let me begin with the honourable senator's comment before proceeding to his question, which related to the Minister of Defence's appearance tomorrow before the group at the Chateau Laurier. Knowing how fearsome he is, I do not think he will have any hesitation. I am sure he would rather be there than in Afghanistan.

As to the questions relating to the cost-cutting measures, no decisions have been made regarding equipment purchases or the equipment that is presently serviced by our Armed Forces but which may be deleted at some time in the future.

Clearly the direction of the honourable minister is towards having a well equipped Armed Forces component that is able to meet its international obligations. It will commence meeting those, once again, in Afghanistan, in August. Our personnel will go to Afghanistan equipped with the skill level that has been recommended by so many countries. Over and over again, the United States gave credit to the Canadian Forces that served in Afghanistan, for their high level of skill.

REPLACEMENT OF SEA KING HELICOPTERS— CHANGES TO STATEMENT OF OPERATIONAL REQUIREMENTS

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, on February 5 the honourable senator specifically asked a question about the 60 per cent reduction in the weight of self-defence and operational stores and whether that was not, somehow or other, a reduction in our statement of operational requirements. I would assure the honourable senator that the technical specifications have remained consistent. However, at the time of the statement of operational requirements, it was stated that there would be internal deployable stores of 18 sonobuoys and six smoke markers. The quantities have not changed, but the weight of them has changed substantially.

Hon. J. Michael Forrestall: Honourable senators, the minister has opened a Pandora's box that I would love to pursue. The fact is that the difference between the one set of orders that remains constant and what we will be dealing with is night and day. All of a sudden, nothing qualifies except the Eurocopter. That is what the government set out to do and that is what it has got. You mislead us with smoke and mirrors and veiled truths. Although every answer the minister gives us is true, she neglects to tell us what is going on.

• (1420)

Can I draw the conclusion from her response that no decision has been made with respect to the Tribal Class and the Hercules, that this is, in fact, under consideration?

Senator Carstairs: The honourable senator may not draw that conclusion. It is my understanding that everything is under consideration, but he cannot take any specifics that any individual piece of equipment is under active consideration. The Minister of Defence has maintained that he should be able to find savings of \$200 million in his \$12-billion budget, particularly in light of the fact that he has received an increase of \$800 million in the budget line and another \$275 million in a one-time grant for this year to ensure that they begin the 2003-04 year without carry-overs.

With regard to the honourable senator's statement about the answers that I give, he knows full well that I give him exactly the material that I am provided, in as open a fashion as I possibly can.

UNITED NATIONS

POSSIBLE WAR WITH IRAQ—PLAN TO BRIDGE DIFFERENCES AMONG MEMBERS OF SECURITY COUNCIL

Hon. Douglas Roche: Honourable senators, my question is directed to the minister. Can she clarify her statement of yesterday that there is no concrete plan or initiative by Canada regarding the Iraq crisis? We know that Ambassador Heinbecker is discussing with Security Council members and with Hans Blix a new one-and-a-half page document called "Ideas on Bridging the Divide," which is the Canadian government's presentation of a middle ground between the opposing positions now dividing the Security Council. We also know that the Prime Minister is flying to Mexico today to talk to the leadership of Mexico, which has a seat on the Security Council, about the Canadian plan. Since press speculation on the contents of the Canadian paper offers differing interpretations, can the minister table the paper, now, in the Senate, so we can see it?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I do not have the paper, so I cannot possibly table it. However, the honourable senator has indicated in his question the correct interpretation. When he indicated that the ambassador is distributing ideas, that is exactly what he is doing. There is, as I indicated yesterday, no concrete plan. The Government of Canada is trying to act as a broker in a situation where we have great diversity by members of the Security Council and by the membership of the United Nations as a whole. It is trying to play, as much as it can, a positive role, to try to bring the parties together.

The very survival of the United Nations has to be a goal of each and every one of us, and it is interesting that sometimes wars evolve for very little reason, sometimes for very complex reasons. However, it is important that we do not have in the United Nations a recurrence of what happened to the League of Nations when two members, Japan and Manchuria, went to war over the blowing up of 38 inches of railway track.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, this is the second day in a row that we have passed by Government Business rather quickly. Did I miss something?

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, my honourable colleague has realized that we are at Item No. 1 under "Other Business, Senate Public Bills," second reading of Bill S-14, which stands in his name.

[English]

NATIONAL ANTHEM ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator Corbin, for the second reading of Bill S-14, to amend the National Anthem Act to reflect the linguistic duality of Canada.—(Honourable Senator Kinsella).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, that brings us to Other Business, and the Table has called item No. 1. Honourable senators, before I begin my remarks on Bill S-14, which is a bill that does not affect the National Anthem Act as we presently have it, I want to thank Senator Corbin for his support of this bill.

Honourable senators, it is simple. The National Anthem Act that Canada adopted in 1980 has just a few paragraphs with a schedule attached to it. The schedule that is attached to it has the musical score and the English and French words of *O Canada*!

Senator Rompkey: Could we hear the music?

Senator Kinsella: Honourable senators will recall that Bill S-3, introduced by our colleague Senator Poy, deals with that first schedule and only the English version of that first schedule. Bill S-14 proposes that the current schedule be numbered Schedule 1, and that a Schedule 2 be added to provide for a bilingual version of *O Canada*!

Bill S-14 does not affect the current schedule, which provides for the English and French versions of *O Canada!* Rather, the bill adds a new schedule to the National Anthem Act, which contains an official version of the anthem that melds the English and French words of our national anthem.

Honourable senators, like you, I often watch Hockey Night in Canada. Whether it is coming from the Molson Centre in Montreal, the Corel Centre here — the team named after a distinguished body on this Hill — or one of the other areas, we know that the game begins with the singing of *O Canada*, and the singer will choose some of the lines from the English version and some of the lines from the French version. It is never the same in the different arenas that we attend.

My bill proposes having at least a common, agreed upon version that is a third option, if you like. As you know, honourable senators, I come from a bilingual province, the Province of New Brunswick. At public functions in our province where there is singing of *O Canada*, a tradition has been building over the years to do it half in English and half in French. When I am in those settings and half the crowd sings in French and half sings in English, frankly, it is an awful noise, an awful cacophony, rather than all singing together. I would like to see — and this bill attempts to provide us with at least an option — a common standard that might help to obviate the problems in public events so that all can be singing the same lines of the song.

• (1430)

We are familiar with the history of our national anthem. Calixa Lavallée, a music teacher in Quebec, was commissioned to set to music a poem written by Judge Adolphe-Basile Routhier. The tune made its debut on June 24, 1880, almost 13 years after Confederation.

In 1901, the Duke and Duchess of Cornwall, later to be King George VI and Queen Mary, toured Canada. A group of schoolchildren sang *O Canada* in French to honour their visit. It is believed to be the first time that it was sung to an English audience.

The music was published in 1906, including the original French text and an English translation by a Toronto doctor, Thomas Bedford Richardson. In 1908, *Collier's Weekly* held a competition for an English text set to Lavallée's music. Mercy Powell McCulloch won the competition, but her lyrics never became popular.

Many new versions followed, including one by poet Wilfred Campbell and Toronto arts critic Augustus Bridle. However, it was the poetry of lawyer Robert Stanley Weir, penned in 1908, that came to be the accepted English version of *O Canada*.

In 1967, honourable senators, a special joint committee of this house and the House of Commons recommended that the government adopt the music for *O Canada* composed by Lavallée as the music for the national anthem of Canada. The committee also recommended keeping the French lyrics written by Routhier, and using the Weir lyrics as the English version, but replacing two of the "stand on guard" phrases.

Thirteen years after this joint committee had recommended *O Canada* as our national anthem, a bill was presented in the House of Commons on June 18, 1980, proposing the adoption of *O Canada* as the national anthem of Canada. My seconder for this bill, our distinguished colleague Senator Corbin, participated in that debate in the House of Commons at that time.

The bill was passed unanimously by the House of Commons and accepted unanimously by the Senate on June 27, 1980. On Canada Day that year, an act respecting the national anthem of Canada was proclaimed during a public ceremony here on Parliament Hill.

As I have mentioned, the schedule to the 1980 National Anthem Act has the sheet music with the English lyrics on top and the French lyrics underneath. However, the act is silent as to how our anthem should be sung at events that are national in nature, where it would be appropriate to sing the anthem in both of our official languages.

We have all attended various events, political dinners or sports events, where the volume falls off dramatically when *O Canada* is sung in one or other of the languages. At this time in our history, and with bilingualism firmly entrenched in the heritage of Canada, it is time to make an official optional version of *O Canada* that can be sung by all Canadians, regardless of their mother tongue.

Canadians across the country are already doing this. I have been quite amazed by the number of contacts that have been made with my office since this bill was introduced into this place.

The various versions that we often see, where there is a combining of the English and the French lyrics, result in many different versions being sung. As I said earlier, *O Canada* at the Montreal Canadiens hockey game is different from the version of *O Canada* sung at the Ottawa Senators games here in Ottawa.

It is interesting that many countries that have more than one official language, have a national anthem that combines their languages. For example, when they sing their national anthem in Belgium, they sing some of the words in Flemish and some in French. South Africa incorporates four languages in their national anthem, Zulu, Sotho, Afrikaans and English.

Honourable senators, it was quite by happy coincidence that the bilingual version of *O Canada* that we developed, and that is part of Schedule 2 of Bill S-14, has 21 words in English and 21 words in French. I am confident, notwithstanding the billions of dollars we take from the public purse and apply to education across Canada, that our school system is well capable of teaching 21 words of either English or French. I am quite confident, also, that the schoolteachers across Canada would not find it much of a challenge to teach English or French children 21 words in the other official language.

Bill S-14 is a third option. Canadians will still be able to choose to sing the national anthem in English or French. However, I believe that Canadians will embrace a version of *O Canada* that reflects the reality of our country. As the Speech from the Throne read last September stated, "Linguistic duality is at the heart of our collective identity."

I could not agree more. I call on my honourable colleagues to support this bill.

Hon. Terry Stratton: , Senator Kinsella, I understand you were interviewed on *As It Happens* not too long ago.

Senator Kinsella: That is correct.

Senator Stratton: I believe you sang a version of *O Canada* on that program and you did quite well. Since you have a songbook in front of you, would you mind doing that version for us here?

Senator Robichaud: That might kill the bill!

Senator Kinsella: My honourable colleague, the Deputy Leader of the Government has counselled that this might kill the bill. Therefore, I will take the question under advisement and report back.

Hon. Richard H. Kroft: Honourable senators, I am intrigued by the suggestion of the honourable senator. I have been interested in the language of the national anthem since the bill was first introduced. Would Senator Kinsella, in thinking about this nationally acceptable and appropriate version, consider having a look at the French language version of *O Canada*, particularly in terms of gender and religious sensitivity? Perhaps it could be made more broadly acceptable and reflective of the nature of this country as well, contrary to the existing version.

Senator Kinsella: I thank the honourable senator for the question. I am not hesitant to reflect upon the hypothesis of whether or not language, and the language we use, helps to shape our ideas; or whether it is our ideas that help to create our language. There is a great American psychologist by the name of Benjamin Orf, who did a lot of research on that subject. My understanding of that research is that we are still not sure which it is. It probably goes both ways.

I am a supporter of the bill that Senator Poy has before us, which deals with some of the lines of the English version that is in the act as it stands. I am not afraid of looking at the question of whether or not language can be exclusive. We have been having a good discussion on that principle.

• (1440)

In this case, I am dealing more with what is happening across Canada. School children are singing both the English version and the French version of our national anthem; only the language is different. Our colleague, Senator Corbin, pointed out to us, when we were debating the other issue some time ago, that you can look at the poetry of the lyrics in either of the two official languages and have quite a discussion as to whether some of the French lyrics are similar to lyrics of the Louis XIV era, in a way. However, it is the poetry of the language that matters. As Senator Corbin questioned: Should one change what the poet or the artist has presented?

The English version and the debate that Senator Poy has engendered constitute a different issue. I am proposing that we take the existing English and French versions and develop a

version that would be common across Canada. In that way, at gatherings of all kinds, in any town, city or province, anglophones and francophones could sing in unison — one version together.

I trust that has answered the question of the honourable senator. If this bill reaches committee stage, it is hoped that committee members will find that the fullness of the meaning of the poetry from the lines that I have chosen from the English and French versions actually make good sense and that they present a nice image in terms of the content and the connotation of the terms of both the French and the English words.

On motion of Senator Banks, debate adjourned.

[Translation]

NATIONAL SECURITY AND DEFENCE

BUDGET—REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Meighen, seconded by the Honourable Senator Atkins, for the adoption of the Sixth Report of the Standing Senate Committee on National Security and Defence (budget—study on health care provided to veterans of war—permission to engage the services of personnel and to travel), presented to the Senate on February 13, 2003.—(Honourable Senator Robichaud, P.C.).

Hon. Michael A. Meighen: Honourable senators, yesterday, Senator Robichaud showed a special interest in this motion. It concerns a budget request for fiscal year 2002-03 with regard to our Subcommittee on Veterans Affairs. Our subcommittee is currently considering the benefits for war veterans and peacekeepers.

The study has two parts. Part one relates to the serviceman's income security insurance plan, which provides insurance in the event that a member of the Canadian Forces dies or is maimed. Part two relates to services for victims of post-traumatic stress disorder. Work on the study is quickly advancing, and the study has received much attention.

Attendance at the hearings, media coverage and broadcasting through CPAC are all good.

The motion requests \$2,000 for meals during meetings, as well as for the services of a media relations coordinator. For five meetings, \$1,250 is required. The sum of \$600 is required to pay our communications coordinator, who responds to public inquiries. There are a few other minor expenses. The total amount is \$2,000. This amount is not, in my opinion, excessive for such a necessary and essential study on our veterans.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I thank the Honourable Senator Meighen for the information he has just provided. I support his motion.

Senator Meighen: I was going to move that the motion be adopted, but I think that the Honourable Senator Robichaud has kindly done this for me. I would like to support my motion.

[English]

The Hon. the Speaker: Is the house ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Meighen, seconded by the Honourable Senator Atkins, that the Sixth Report of the Standing Senate Committee on National Security and Defence be adopted now. Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

BANKING, TRADE AND COMMERCE

REPORT OF COMMITTEE ON QUESTION OF PRIVILEGE CONCERNING PREMATURE DISCLOSURE OF REPORT ON PUBLIC INTEREST IMPLICATIONS OF BANK MERGERS—DEBATE ADJOURNED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Banking, Trade and Commerce (question of privilege raised by the Honourable Senator Kolber) presented in the Senate on February 25, 2003.—(*Honourable Senator Kolber*).

Hon. E. Leo Kolber moved adoption of the report.

He said: Honourable senators, yesterday I presented the Seventh Report of the Standing Senate Committee on Banking, Trade and Commerce. This report was prepared after an investigation by your committee into the question of privilege relating to the premature disclosure of the report of the public interest implications of large bank mergers in Canada, raised by me in this chamber on December 12, 2002.

Your committee studied this matter thoroughly, engaged in debate and decided not to call any witnesses. Your committee came to the conclusion that no further action is required with respect to the question of privilege, except to raise the awareness of senators and staff as to the need for and requirement of confidentiality. Additionally, your committee is of the opinion that security procedures should be established to avoid a repeat of this breach of privilege.

• (1450)

Hon. Anne C. Cools: Honourable senators, I have many questions. Perhaps I should look at this report. It is a committee report and is part of the new process. I do not quite understand how the two processes interface, but perhaps, I should review the report.

I would have hoped that the Honourable Senator Kolber would have been more fulsome in his remarks. I will review the report and speak at my earliest convenience.

I move adjournment of the debate.

The Hon. the Speaker: The Honourable Senator Kolber has started the debate, the Honourable Senator Cools is entitled to speak or move the adjournment of the debate, which is a votable motion, but not a debatable motion.

Senator Kolber: Honourable senators, can we have a vote on it?

The Hon. the Speaker: It is moved by Senator Cools, seconded by Senator Baker, that further debate be adjourned to the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those honourable senators in favour of the motion please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the "yeas" have it.

On motion of Senator Cools, debate adjourned.

STUDY ON STATE OF HEALTH CARE SYSTEM

FINAL REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kirby, seconded by the Honourable Senator Cook, for the adoption of the third report (final) of the Standing Senate Committee on Social Affairs, Science and Technology, entitled: *The Health of Canadians — The Federal Role, Volume Six: Recommendations for Reform*, tabled in the Senate on October 25, 2002.—(*Honourable Senator LeBreton*).

Hon. Landon Pearson: Honourable senators, Senator LeBreton has yielded to me, and this matter will stand in her name when I finish my statement.

Honourable senators, I rise today to speak to the motion of Senator Kirby for the adoption of the Third Report of the Standing Senate Committee on Social Affairs, Science and Technology. It is an excellent report. I commend the work of all concerned.

However, I should like to express my concern that neither it nor the Romanow Report nor, indeed, the First Ministers Agreement on Health Care, all of which purport to put medicare on a more sustainable footing for the future, do more than make occasional mention of children.

Yet, Canadian children are Canada's future and children have unique health care needs. They are not small adults. We must specifically address how a modernized system would improve their health, particularly those most at risk.

Honourable senators, you know me as a long-time advocate for the rights and freedom of children everywhere. Good health care is one of the core commitments that Canada has recently encouraged other countries to adopt as part of a new international agreement "a world fit for children."

In this agreement, helping children get a healthy start in life is described as the essential foundation of human development. Building that foundation is not easy. Promoting the healthy lives of children and their families is more than simply providing access to medical services. It also means assisting in early childhood development, improving access to quality education and protecting children against abuse, exploitation, violence and neglect. In short, a world fit for children acknowledges that children's needs are multifaceted and complex.

Here in Canada, I was delighted by the announcement in last week's budget that more money would be added to the \$2.2 billion of new federal investment for children that was set aside a couple of years ago to support the First Ministers' Agreement on Health Renewal and Early Childhood Development. That initial investment, to be implemented over five years, although some provinces fell somewhat short of responding to children's real needs during its early stages, was an encouraging step in the right direction. Now there will be more money specifically targeted to childcare, as well as an augmentation to the National Child Benefit to help poor families.

The Child Disability Benefit announced in the budget is particularly welcome. However, in the new health agreement with the provinces, concluded two weeks before the budget, the interests of children, with a couple of notable exceptions, are still only implied rather than explicitly stated. This makes me uneasy. I am afraid that unless we act now to direct money to children's health services, we will still be failing children and Canada's families.

Children and youth under 18 represent nearly one quarter of the population of Canada. Thankfully, most Canadian children are healthy, but a significant and growing minority of Canadian children live with complex health issues, disabilities or chronic health conditions.

Some of these children are first generation immigrants fleeing hunger, violence and trauma. Other children struggle with debilitating childhood diabetes, epilepsy and cerebral palsy. Children born in poverty, and currently more than 1.1 million children and people under 18 in Canada are living in low-income families, are more frequently confronted by serious health problems related to their poverty, such as addictions, depression, injuries and infectious diseases, including a growing number of sexually transmitted diseases.

Honourable senators, the health issues of Aboriginal children are worthy of a whole separate speech. The infant mortality rate of Aboriginal children is twice as high as other Canadian children and surviving youth are at higher risk for diabetes, early death from injuries and even suicide. These are Third World health problems in a First World country.

A majority of Canadian children visit the family doctor for their primary health care and only see paediatricians for specialized care or what the medical world refers to as secondary and tertiary care. It is estimated that 7 to 10 per cent of Canada's children require a full range of health care providers from primary care doctors and paediatricians to specialists and psychologists. There are some disturbing indicators that these specialized health service providers for children are spread thin.

One of the realities of our health system is that the last ten years of fiscal constraint have taken a big bite out of child centred health care services. In fact, many children stand-alone hospitals, with a few exceptions such as the Children's Hospital of Eastern Ontario, are being absorbed by hospital amalgamation. Most specialized care for children now takes place in what we call hospitals within hospitals. Paediatric service centres are inside adult hospitals. There may be some positive reasons for this trend, but as one of the women who fought so hard to establish CHEO and its child and family friendly environment, I have real concerns about what happens when a paediatric hospital or wing no longer has separate governance.

As it is, Canada only has 16 university affiliated academic hospitals that provide specialized care in paediatrics. All of them are in urban areas. On a practical level, this means parents in small communities typically travel more than three hours with their sick children to reach a hospital with specialized paediatric services. Their children are too often being treated as if they were miniature adults. Why? In many general hospitals paediatric expertise is being diffused. For example, if a senior paediatric nurse retires, union agreements often mean that the hospital is obliged to staff the job opening with the next available senior nurse, and the replacement is not necessarily required to be a paediatric nurse. Overtime, as paediatric experts leave, they are not being replaced.

A recent report by the Canadian Paediatric Society predicted an acute shortage of specialty health care for children across Canada. The fact is that there are not enough young paediatricians replacing the retiring paediatricians, and these younger doctors are staying in Canada's big cities. Brain drain, the reduced number of students being admitted to medical schools and the reduced number of paediatric training spots are all factors contributing to a looming crisis. Shortages of some paediatric sub-specialists are becoming particularly acute. The result is that medical staff with little or no training are often providing care to children with complex medical conditions.

Helping children with short term acute medical needs is one problem, but perhaps an even bigger challenge in our system is to provide adequate long-term care to children with more complex conditions. Hospitals and long-term care institutions are no longer funded to have beds for children with complex or continuous care needs. It is now expected that these children will be cared for in the home and in the community. This shift from the hospital to the community is in theory a good one. Sick children should not be separated from their families and parents need to be close to their other children as well as to their jobs. The truth is that Canada's communities are sorely lacking enough dedicated child and family services.

Children suffering from chronic childhood diseases and developmental or behavioural conditions need the support of not only doctors and nurses, but also educators, social workers, homecare workers, psychologists and psychiatrists, among others. All too often, long waiting lists mean children do not receive the appropriate services fast enough. Some parents take matters into their own hands and pay for services such as home care. However, for the many Canadian families living near or below the poverty line, that is not a realistic option.

• (1500)

Let me illustrate this point with an example. Imagine you live in northern Alberta and your daughter badly needs to be put on a respirator permanently. Leaving behind your spouse, job and other children, you and your sick daughter travel five hours to reach the highly regarded Stollery Children's Hospital in Edmonton. The operation is a success, since this hospital is a magnet for the best and brightest paediatric experts in the region. So far, so good. Then, the hospital informs you that they cannot keep your daughter for more than the minimal recovery period. Back home, you and your family doctor scramble to find community resources that will enable you to care for your daughter at home. She will need years of home care.

You quickly discover there are no paediatric nurses in your area and you are expected to provide the bulk of this care. Furthermore, you must go through numerous application processes and interviews with multiple agencies and ministries to determine eligibility for what little help the system is able to give. Your family is exhausted — physically, emotionally and financially.

One of the most positive and encouraging ideas I see emerging from this recent review process is the expansion of the Canada Health Act to include medically necessary home care services for several categories of patients, including those in the palliative stage. However, the new First Ministers' Agreement falls short of this promise. It only promises expanded home care funding to address short-term acute care; in other words, help for families dealing with dying parents, spouses or children. It is encouraging to note that the agreement acknowledges that children have end-of-life issues.

The budget partly addresses this by instituting the new Child Disability Benefit to help those families dealing with medically fragile children, including children who have suffered traumatic birth injuries. Thanks to good medical care and new technologies, these children are not dying, but they do require round-the-clock care and help from professionals trained to deal with their multiple needs.

The families of children with chronic and debilitating diseases deserve our support and compassion. If we really want to help these families, they need more than that money. We must ensure that the home care support for these families includes a much wider range of health services for children than are currently available. It is one thing to have the money, but quite another to decide on which items it should be spent.

Honourable senators, I would also like to touch briefly on primary health care. Commitments regarding primary health care are promising, and if children's unique health needs are taken into account, it will certainly lead to better care for children. One outstanding goal should be to provide all Canadian children who require complicated primary care access to professionals who are trained to care for children, like paediatricians, speech-language pathologists, child psychologists and so on. This access must not be fragmented. Families with sick children should not have to run the maze of health, education and social services.

I am pleased to see that the four essential building blocks of primary health care in the Romanow report included early detection and action. This, and other commitments aimed at strengthening the delivery of primary health, should take into consideration the importance of educating health providers on children's developmental issues.

As I said earlier, children are not small adults. Timely access to appropriate services is critical to children and youth, who are in a constant state of growth and development. Late diagnosis of children's developmental problems results in delayed or even inappropriate intervention. Early intervention is key to helping a child live with, or even overcome, his or her problem. There should be no excuse for missing that short window of opportunity to help a child. Having your child or grandchild diagnosed with developmental problems like autism, or an eating disorder like anorexia nervosa is hard enough, but to find out that earlier diagnosis and treatment might have greatly improved the quality of your child's life is heartbreaking.

We can do better. It is within our reach to provide all Canadian children with adequate and timely age-appropriate health services. However, the solutions require political will, creativity and the commitment to put children first.

Honourable senators, let me share a success story. Five years ago, health authorities in Hamilton, Ontario, decided to dramatically improve child mental health services and the support provided to families. The idea was to take advice and intervention to the people, instead of waiting for people to go to the experts. Social workers, nurse practitioners, and even consulting psychiatrists now regularly go out into the community to meet with paediatricians and their patients. They provide advice and consultation that help reduce the need for expensive and time-consuming assessments.

Putting some power into parents' hands also cuts waiting time. Parents can now take parenting training courses at local community centres. Such courses help parents to identify their children's problems early and link them to appropriate information resources in the community. Parents can also discuss their child's behavioural problems by telephone. The Brief Child and Family Phone Interview, as it is called, is administered by a clinician, and often reveals mental health issues that might previously have taken months to detect.

What makes Hamilton's approach particularly successful is that it was designed with the children's needs in mind. Paediatricians have become the first-line consultants for children with behavioural problems, as well as medical issues. Services are now as ministry-linked as possible. Mental health programs are all under the same umbrella, despite the fact that funding sources may be different. Authorities in Hamilton say this was no small feat. The fact that health services are generally delivered by so many different agencies and levels of government makes replicating what they did very difficult. The hard work is paying off. Parent surveys in Hamilton indicate that people in that community are happy with the changes to their community's child health services.

Honourable senators, we must keep this example in mind as we look to the future of medicare in this country. The problems of sick children, especially seriously injured, chronically ill or dying children, are devastating to families. Strengthening health services and support for children will ultimately benefit the whole family.

As the various levels of government in Canada continue their joint efforts to improve our health care system, based on the Kirby and Romanow recommendations and the new federal-provincial health agreement, I urge all concerned to review proposals in light of children's specific and unique needs. Changes to primary health care delivery and home care services must recognize the special needs of children and youth, and we must allocate funds and services to meet those needs.

The call for a national immunization strategy for children has my full support, as well as the support that of the Canadian Paediatric Society and the Canadian Medical Association, but it puzzles me why it was the only proposal to specifically name children. Consider, for example, the proposals addressing disease prevention. There is no question that all Canadians should reduce tobacco use and fight obesity, but all the research points to the fact that early intervention is critical for preventing disease. Targeting children and youth will help make preventing the diseases that come from tobacco addiction and obesity all the easier.

I know that all honourable senators share my deep concern that the future direction of our health system reflects the realities of Canada's families and the ongoing health needs of Canada's children. Let us work together to ensure that decisions being made now are truly in the best interests of our future by being in the best interests of our children.

The Hon. the Speaker: I am getting signals from the Table. Apparently, Senator Pearson's 15 minutes are up. Do you wish additional time?

Senator Pearson: I would be happy to answer a question.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Hon. Herbert O. Sparrow: Honourable senators, as I understand it, Fetal Alcohol Syndrome is rampant in children living in Canadian society. I do not have the figures with me

today, but statistics from our jail system indicates that a high percentage of inmates have Fetal Alcohol Syndrome to some degree. As a society, we say that we cannot take action against the mothers who give birth to these children. We say that the mothers' body is her own and society has no right to interfere in that. As a result, a great many children are being born with this syndrome when we could have, somehow or other, intervened when the alcoholic mother was carrying the unborn child, to solve it by stopping the alcoholism with the mother.

Is the honourable senator aware of any work that is being done towards ensuring that our medical professionals can have some input to ensure the healthy birth of those children?

The federal government pours money into child welfare throughout the nation in order to relieve poverty.

• (1510)

Almost without exception, and I could be wrong about this as well, when the federal government increases child welfare benefits, provincial governments reduce the amount they put in. We hear very little about this. The federal government takes credit for this, but the money actually is reduced at the other end by the provincial governments. It is an unfair situation whereby we believe we are being generous, but we are actually not being generous because the money comes off the other end. Would the honourable senator care to address that?

Senator Pearson: With respect to the first question, the issue of FAS/FAE, foetal alcohol syndrome/foetal alcohol effect, is extremely important. It is particularly so in areas of the country like that of the honourable senator's, but it is important everywhere. It is not only some of the poor who inflict this upon their children, but many middle and upper class mothers do not realize that drinking as heavily as they do will have the effect it has.

Putting that in its place, I am happy to say that there is a great deal of effort being made to address the issue in the sense of prevention. If you can encourage the mothers and get to them very soon after they become pregnant, then it is possible to work with them to reduce the alcohol consumption and prove to them that what they are doing will impact on their children. We have increasing numbers of successful interventions of that sort. The other area of intervention is to get there before they get pregnant and tell everyone and make it very clear that this is a totally preventable condition.

Once the children are born, then it is up to us to give them the assistance. While these children will carry a disability all their lives, we are discovering more and more ways to address this disability and help them live with this condition. The ultimate goal, of course, would be to reduce it and eliminate it completely. Some programs now being directed out of Health Canada, particularly under the Honourable Ethel Blondin-Andrew, the Minister for Children and Families, are focusing on ways in which to address this very complicated and tragic problem. I think we will see some good news in a fairly short time in that regard.

Another issue that many of us are acutely conscious of is that the provinces tend to take away what the feds give. In this case, it is particularly sad because the intention of the Child Tax Benefit was to break the welfare wall so that families would not be discouraged by the extra expenses they would incur by getting off the welfare system. There has been relative success. It is not huge, but it is moving in the right direction. The problem with the commitment of the provinces, that whatever money they saved, they would reinvest in programs directed to children, and each province would report every year about what they have done, is that, for certain provinces, reports seem to be more vague than they should be, and I am not convinced they have actually done with the money what they committed to do. However, the augmentation to the Child Tax Benefit will put it higher than the welfare level, so there will be more money for these parents to retain in their pockets. It is a long and challenging issue to find the right way to ensure that children in low-income families are not suffering.

Senator Sparrow: Is there any way that we can further put pressure on the federal government or the provincial governments to use such grants for what they are intended? We are not really doing that. They use the argument that they spend the money for other poverty issues, but it may not be direct family income. We are trying to get these people above the poverty line. Can the honourable senator suggest ways that the Senate or her group, or whomever could take greater action, try to encourage the federal ministers to insist that that be done?

Senator Pearson: Honourable senators, with the growing understanding that the provinces are not doing exactly what they had agreed to do, this new addition of money into early childhood care and development programs will be much more tightly structured, and if a province will not do what we say they are supposed to do, they will not get the money. We have been learning from difficult experiences. That is the only way to do it. Monique Begin fought that battle with the National Health Care Act. My sense is that we are moving more in that direction, and I am hoping in another year we will have more evidence of being able to keep better control over what we are investing, because we are investing for reasons that are really important, and such programs should be effective.

Hon. Jane Cordy: Honourable senators, I thank Senator Pearson for an excellent presentation. She has certainly shown to me, in my time in the Senate, what a strong advocate she is for the rights of children. I was very interested in what the honourable senator had to say.

The honourable senator spoke about the frustration that families have when they have a sick child, particularly if it is a child who may be developmentally delayed. She mentioned autism. I taught five-year olds for many years, and I saw children who came to school who were somewhere along the autism spectrum and saw the effect that it had on families. The families were dealing with social workers. They were dealing with the family doctor, with the IWK, physiotherapists, and speech pathologists in some cases. Then, when the child is five years old, another body is brought into the picture, which is the education system or the school. In some cases, the families were getting conflicting advice from the professionals they were dealing with. I remember hearing about parents being told not to let the education system know that their child was developmentally delayed because it might affect how the child was treated. Well, it did not take a teacher very long to determine that there was a

learning problem with the child. Instead of everyone working cooperatively and letting us educators have information to best help the child, it was often difficult to receive what was needed.

The honourable senator spoke about home care, and mentioned the good things that are happening in Hamilton. Would Hamilton have people who deal with the families to help them coordinate all these agencies so that it is a less frustrating experience? The frustration often reached out adversely to other children who were in that particular family. Would a home care situation deal with the family as a whole to guide them to filter out what is best for the child and the family with all these agencies?

Senator Pearson: Thank you for that question, Senator Cordy. My understanding of the Hamilton issue is based on a discussion over the telephone, so I have not actually visited. However, that was the essence of the idea. Every child should have an advocate to advocate for them through the whole system, particularly someone who is within the system and is able to touch the other bases. It is very hard for parents, particularly parents who are stressed, to know how to do it. It is hard enough for adults to make their way through the health system without some help from their physician. I am glad you mentioned that idea because it is one I like to reinforce in the work I am doing. Every child in the health care system should have an advocate. If it cannot be the paediatrician or the family physician, then there should be someone designated. It makes a lot of sense.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, this item stands in the name of the Honourable Senator LeBreton, and I think that it could still stand in the name of the Honourable Senator LeBreton.

• (1520)

On motion of Senator Robichaud, for Senator LeBreton, debate adjourned.

[English]

LEGACY OF WASTE DURING CHÉRIEN-MARTIN YEARS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator LeBreton calling the attention of the Senate to the legacy of waste during the Martin-Chérien years.—(Honourable Senator Bryden).

Hon. John Buchanan: Honourable senators, I rise to speak to the inquiry of the Honourable Senator LeBreton and, specifically, the issue of the maritime helicopter program. I know that the members on the other side, particularly those from Nova Scotia, will be interested to know how much this program will cost the taxpayers at the end of the day. They will also be interested to know that the Sea King helicopters, which are over 40 years old, are still flying over Halifax and Dartmouth; and there is no hope that they will be replaced for many years. It is important that honourable senators listen to my description of the current situation.

Senator Forrestall has provided us with historical background information on the helicopter program and so I will confine my comments to the reasons the program was cancelled, the cost of that cancellation and the cost of ensuring, hopefully some day soon, that we will have new helicopters.

Honourable senators, we must go back to the year 1993 and specifically the federal election campaign of that year. Prime Minister Chrétien was a candidate and the Leader of the Opposition when he became involved in the helicopter program.

It is interesting to note, honourable senators, that we have had a Committee of the Whole, where three people from the Department of Public Works and from the Department of National Defence were on hand to answer questions from senators on the maritime helicopter program. The problem was that those three people had no answers because honourable senators were asking questions relevant to 1993.

Honourable senators, how was it that the then Leader of the Opposition and candidate in the federal election campaign, Jean Chrétien, obtained the information that led him to say that he would cancel the contract signed by the Conservative government? He had no idea about the procurement process and how much it had cost. In fact, when the three departmental officials were asked what details Mr. Chrétien had in 1993 to prompt the cancellation of the contract when he won the election, the answer was: "We were not in the department at that time." They kept looking up into the gallery and so I said, "Well, I wonder if the people in the gallery, who were probably in the department in 1993, would come down to answer the question." The response was, "Well no, the people in the gallery were not in the department in 1993 either." We were given no information on the criteria used by Mr. Chrétien to suddenly say, during the 1993 election campaign, that he would cancel the \$4.6 billion program to replace the search and rescue helicopters and the Sea King helicopters. He did it for one reason and one reason only: He sensed, at the time, that it was good politics to do it. There was no other reason.

In 1993, after the election, Mr. Chrétien, with a stroke of the pen, cancelled the contract without even considering the cost to the Canadian taxpayers, of that cancellation. Thus, we had a situation that included cancelled contracts, no helicopter contracts in place, cancellation fees to be paid and penalties to be paid. The cost, at the outset of the program for 43 helicopters was to be \$4.3 to \$4.4 billion. That was the cost of the contracts in 1992-1993 signed by the former Conservative government. That was the deal that Prime Minister Chrétien cancelled in 1993 after coming into office.

The figure used at the time by press releases from the Liberal government and from the Liberal campaign was \$5.8 billion. We will accept that. If that is the figure, we will use that figure, but it still does not help the government. We will use that figure because it was quoted in Liberal press releases and no one on the other side could argue against it. Some, of course, were members of Parliament at the time and they know that that figure was used — \$5.8 billion.

What happened then? All of the companies involved in the contract said that it was not fair because they had contracts and were, therefore, entitled to compensation and penalty payments for the cancellation of those contracts. The end result was that \$500 million in compensation and penalties was paid to the contractors; and that figure was probably closer to \$800 million to \$1 billion. Those figures were to be found in the Canadian press, including the *Ottawa Citizen* and the *Halifax Herald*, one of Canada's great newspapers.

Honourable senators, let us say that \$500 million is the cost of the cancellation, because Mr. Chrétien, with the stroke of the pen, determined that there would be no more helicopter contracts; they were thereby cancelled. Canadian taxpayers had to pay \$5 billion in penalties and compensation.

Take that figure and add it to the cost of the new helicopter program, which the Liberals were contemplating but did not effect for many years later; honourable senators will come up with a figure that is about \$2.8 billion more than if the Conservative program of 1992-1993 had been continued. That is a lot of money — \$2.8 billion.

Senator Furey, who has just taken the Chair, would understand this because search and rescue helicopters are often deployed in Newfoundland. The Sea Kings also operate in Newfoundland. There are no new helicopters.

Senator Rompkey: We have the Labradors.

Senator Buchanan: The search and rescue helicopters that the Liberals decided to purchase are exactly the same as those the Conservatives had agreed to take; but this purchase will entail an additional cost of hundreds of millions of dollars. That is absolute waste.

Honourable senators, let us take a look at the costs. The cancellation fees were \$500 million. The cost of the Sea King maintenance upgrade, which has to be maintained until the year 2008 and which has been extended to 2010, will be \$600 million. Fifteen Canada Search and Rescue Project helicopters will cost \$790 million; and the long-term in-service support for those helicopters will cost \$1.7 billion. Keep in mind, honourable senators, that these costs were included in the original contract that was signed in 1992-1993 by the Conservative government.

I will continue the breakdown of the costs. The 28 Maritime Helicopter Project helicopters will cost \$2.9 billion, and the long-term in-service support will cost \$1.7 billion. The administrative cost, because of splitting the procurement as the Liberals did, will be \$400 million.

• (1530)

Is the Honourable Senator Kinsella surprised when I tell him that the total cost of the Liberal program is \$8.6 billion? That is a conservative estimate.

Senator Kinsella: Waste!

Senator Buchanan: That is waste. The total cost of the Conservative program that was cancelled by Mr. Chrétien and Mr. Martin in 1993, according to government figures, was \$5.8 billion. In other words, it will now cost the Canadian taxpayer \$8.6 billion. The helicopters would have been in service now. They could have been used by our servicemen in British Columbia, Newfoundland, and Nova Scotia at a cost of \$5.8 billion. It will now cost \$8.6 billion.

Honourable senators, why is that? The reason is quite evident. Legally, you cannot just take a contract and cancel it. You must pay compensation.

Sea King maintenance and upgrade has to be done. We have had crashes of Sea King helicopters over the last ten years. They are being maintained by first-class mechanics in Shearwater and elsewhere, but it costs money to maintain them and to keep them in the air. In addition, the long-term service for the new helicopters that have not even come off the line yet must be considered.

When you add it all up, \$2.8 billion of taxpayers' money has gone right down the drain. To some people, \$2.8 billion may not be much money, but, to the Canadian taxpayer, it is.

Years ago, in 1957, we had politicians here in Ottawa who said, "Well, if there are no jobs in Atlantic Canada, let Atlantic Canadians move to Ontario, and we will pay them to come up here." That same gentleman also made the statement back in 1957, "Oh, what's in a million? Doesn't mean a thing." We all know what happened in 1957. There was an election, and John Diefenbaker ensured that people knew what was in a million.

What do we have now, in 2003? It is not "What's in a million?" Today it is "What's in a billion?" or "What's in \$2.8 billion?" Remember that \$2.8 billion is a conservative figure. It is much more than \$2.8 billion, but let us use that figure.

Honourable senators, if you talk to the military, as Senator Cordy does in the Dartmouth area, and ask them, "What could you do with \$2.8 billion today to help the navy in Halifax," they would list many uses for that money. Ask the people at the Victoria General Hospital, the QEH complexes and the Dartmouth Hospital, what they could do with \$2.8 billion and they would tell you.

The Armed Forces are suffering. The hospital situation is suffering. Yet, the amount of \$2.8 billion is going right down the drain because the Prime Minister of Canada decided in 1993, by the stroke of a pen, to cancel the helicopter program at a cost of \$8.3 billion.

What's in a billion? Honourable senators could look at another situation: The gun registry, which I, and most of us over here voted against, was to cost \$3 million net.

Hon. Lowell Murray: \$2 million!

Senator Buchanan: Like a good Cape Bretoner, the honourable senator knows his figures.

It was to cost \$2 million. Remember, I said: What's in \$2.8 billion. The gun registry is another boondoggle. What's in another \$1 billion? There is another \$1 billion in the gun registry.

There is the wasted \$2.8 billion for the helicopters and another \$1 billion for the gun registry. The HRDC situation was also in excess of \$1 billion. The amount is now over \$5 billion. Think what the military could do with that! Think what the hospitals could do with that!

Honourable senators, the government has been wasting too much money for political reasons. The helicopter program was scrapped for political reasons.

Senator Kinsella: Who was the Minister of Finance?

Senator Buchanan: Mr. Paul Martin was the Minister of Finance. Therefore, we call it the Chrétien-Martin boondoggle of the helicopter program.

Hon. George J. Furey (The Hon. the Acting Speaker): I must advise the honourable senator that his time is up.

Hon. John G. Bryden: Could we have time for questions?

The Hon. the Acting Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Bryden: Honourable senators, first, I thank the Honourable Senator Buchanan for such a conservative, yet expert, speech on the question of the legacy of waste.

Certainly no one from Atlantic Canada questions the credentials of the honourable senator when it comes to being an expert on government waste, particularly in the creation thereof.

I have two questions. Before the honourable senator was plucked from the premier's chair of Nova Scotia by former Prime Minister Brian Mulroney, and given safe haven from the Nova Scotia electorate here in the Senate, had the honourable senator not added billions of dollars to the debt of the Province of Nova Scotia? Perhaps that is the origin of the expertise, to know what is a billion.

Was the honourable senator or his successors ever able to get rid of the thousands of automatic toilet seats that the Nova Scotia government bought from a Tory friend and supporter?

Senator Buchanan: Honourable senators, those are interesting questions. When I left office, there was no question that the net debt in Nova Scotia was in the range of about \$6.5 billion. It is now over \$11 billion.

What happened in the interim? The interim, of course from 1993 to 1996, was a Liberal government. A Liberal government increased the net debt of Nova Scotia to \$11 billion.

[Translation]

Senator Kinsella: Bad question, Senator Bryden.

Senator Buchanan: I asked the former Senator Boudreau, who raised this question as well, if he would have built the new place by the General Hospital in the 1980's? Senator Cordy would agree with that. Would the honourable senator have built the new Morrison High School in Glace Bay? Absolutely. Would he have built the two hospitals in the north side? Would he have put money into the New Waterford Hospital? Absolutely. Would he have built the hospitals in Halifax? Would he have built Highway 125? Would he have built the highways down the Annapolis Valley? Would he have made Highway 104 all the way up to the New Brunswick border, four lanes? Would he have done all of that?

Honourable senators are not aware of the Sidney steel problem. That started in the 1960s and lasted until 1999. Did Premier Reagan stop the money to the Sidney steel plants? No. Did Russell McLellan stop it? Did John Savage stop it? No.

It turned out that \$2.8 billion was spent in the Sidney steel plant that kept thousands of people working for many, many years.

The same thing happened with Devco. Many billions of dollars went into Devco. However, some honourable senators would agree that it was money well spent over the years.

Would the honourable senator take back all of the highways that were paved, the Sydney steel money and all the people who worked there, the Devco mines and all the people who worked there, all of the hospitals, all of the schools and all of the infrastructure that made Halifax-Dartmouth the most dynamic city in Eastern Canada? Certainly, we would not have spent all the money, but remember this: we did not waste it. It is all there in the infrastructure.

• (1540)

I challenge honourable senators to take a look at the public accounts for those years. Honourable senators can see, on a per-year basis, how much money was spent by the Liberals in the 1970s, by the Tories in the 1980s and by the Liberals in the 1990s. I do not think my honourable colleague would rise to ask that question again.

Senator Bryden: Did the honourable senator ever get the money back for the hundreds of automatic toilet seats that he got from his Tory friend?

Senator Buchanan: I do not know. As I understand it, I think those toilet seats were sold later on by the Liberals. They did not get a very good deal when they sold them.

On motion of Senator Bryden, debate adjourned.

THE ESTIMATES, 2003-04 THE ESTIMATES, 2002-03

PARTS I AND II OF EXPENDITURE PLAN AND SUPPLEMENTARY ESTIMATES (B) TABLED

Leave having been given to revert to Tabling of Documents:

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, two documents; the first entitled: "2003-04 Estimates, Parts I and II: the Government Expenditure Plan and Main Estimates," and the second being the Supplementary Estimates (B) 2002-03 for the fiscal year ending March 31, 2003.

THE ESTIMATES, 2003-04

NOTICE OF MOTION TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO STUDY MAIN ESTIMATES

Leave having been given to revert to Government Notices of Motions:

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Estimates for the fiscal year ending March 31, 2004, with the exception of Parliament Vote 10 and Privy Council Vote 25.

THE ESTIMATES 2002-2003

NOTICE OF MOTION TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO STUDY SUPPLEMENTARY ESTIMATES (B)

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates for the fiscal year ending March 31, 2003.

THE ESTIMATES 2003-04

NOTICE OF MOTION TO REFER VOTE 25 TO OFFICIAL LANGUAGES COMMITTEE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Joint Committee on Official Languages be authorized to examine the expenditures set out in Privy Council Vote 25, of the Estimates for the fiscal year ending March 31, 2004.

NOTICE OF MOTION TO REFER VOTE 10 TO STANDING JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Joint Committee on the Library of Parliament, when and if the Committee is formed, be authorized to examine the expenditures set out in Parliament Vote 10 of the Estimates for the fiscal year ending March 31, 2004; and

That a message be sent to the House of Commons to acquaint that House accordingly.

BUSINESS OF THE SENATE

COMMITTEES AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, today is Wednesday and we are trying to get our work done by around 3:30 p.m. if possible, so that the committees will be able to sit. I would seek leave of the Senate for the committees to be able to sit at the same time as the Senate.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

ACCESS TO CLOSED CAPTIONING IN FRENCH

INQUIRY

Hon. Jean-Robert Gauthier rose pursuant to notice of December 10, 2002:

That he will call the attention of the Senate to the difficulties faced by national broadcasters in delivering real-time closed-captioned programming and the inequality of access to closed captioning in French of programming on Radio-Canada and other francophone networks, which broadcast barely 50 per cent of their programs with closed captioning, compared with the anglophone networks, which, like the CBC, broadcast 100 per cent of their programming closed captioned.

He said: Honourable senators, I would like to call the attention of the Senate to the difficulties faced by national broadcasters in delivering real-time closed-captioned programming and the

inequality of access to closed captioning in French of programming on Radio-Canada and other francophone networks, which broadcast barely 50 per cent of their programs with closed captioning, compared with the anglophone networks, which, like the CBC, broadcast 100 per cent of their programming closed captioned.

The problem is simple. Three million Canadians have a hearing impairment. Seven hundred and fifty thousand of them are in Quebec, of whom 600,000 are francophone. There are 1 million francophones outside of Quebec, of whom 100,000 are hard of hearing.

To give a comparison, there are as many francophones who are hard of hearing in Canada as there are residents in the national capital region. These Canadians must receive this service. They are asking Parliament to pressure broadcasters to understand that this service is essential in order for them to remain informed of international, national and regional news. There must be access to real-time closed-captioned television programming. There must be access to all of the safety messages and to a whole host of messages that people normally hear, but that people such as myself have trouble understanding.

Many people who have a hearing impairment have had it since they were young. Because of their disability, these children are sometimes forgotten and do not receive the services they need. Yesterday, for example, there was an article in the *Globe and Mail* about a family that was taking a school board to court because their seven-year-old child has a hearing impairment and was unable to receive care. He is no worse than the other children, but he does not hear.

[English]

The Hon. the Speaker: I am sorry to interrupt, Senator Gauthier, but I believe Senator Kinsella has a point of order or a matter to raise.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): I simply wish to draw the rules to the attention of His Honour.

The Hon. the Speaker: Is the honourable senator drawing attention to our quorum requirement? I see that we have 15 senators present.

Senator Lynch-Staunton: Oh, they suddenly all appear.

The Hon. the Speaker: I would apologize to Senator Gauthier for the interruption.

[Translation]

Senator Gauthier: There is a seven-year-old child whose parents are suing the school board because he is not getting the treatment or services that a hearing impaired child is entitled to. I will not comment on this case, which is *sub judice*, but I thought it appropriate to draw attention to the fact that hearing impairment affects people of all ages.

• (1550)

There are the young and the not so young. Often, one of the problems is that the aging population refuses to recognize or admit that the number of hearing impaired people is on the rise. This is a reality. In my case, I became hearing impaired due to an unfortunate event. I fell ill and took a medication that killed my auditory nerve. Sometimes, it is funny to be unable to hear; people shout and we cannot hear them. At times, I can barely hear my voice when I turn up my hearing aid.

Sometimes, it is embarrassing because people get very close and shout in your ear. It is a little intimidating but, when it is a beautiful woman, I do not object. But when it is a hairy man talking right in my ear and saying that I have not understood a word, that I seem like a snob because I am not reacting, it is more difficult to deal with.

In the Senate, I am able to work. In committee also, I am able to work, because I have access to a computer monitor that provides me with the written text of everything I cannot hear. I cannot understand why some broadcasters are resisting providing their audience with closed captioning.

Last November, I was happy when Radio-Canada and the CBC announced that 100 per cent of their programs would be captioned.

[English]

What about the French network? We have certain problems. They give you excuses.

Captioning, as they call it, was developed in the United States of America, in English. The system was developed in the United States. As a matter of fact, the TV sets that we all have in our house have a chip in them that allows anyone to access captioning through secondary audio programming, the SAP network.

However, this is not so available in the French language. Political animals, such as me, are most interested in learning about what is going on in the world, but often I cannot get information because it is not provided by way of captioning.

This service is provided on all American stations because they have a law, just as we have one here, that provides that, from 1995 all broadcasters must subtitle or caption their programming. They do not do it because people complain. As I mentioned to honourable senators, generally speaking deaf and hard-of-hearing people do not complain too much. I, however, do not mind complaining. I would suggest that this should be a priority of the Senate. It is our job to discuss these problems.

Last November, I asked the question: "Where do you train these people?" I was told that there are two schools, one in Vancouver and one in Edmonton, and both provide training in English. There is no French training available in Canada at this time. Do not ask for subtitling or captioning of French programming because we do not have the technicians who can do it.

We have five French reporters and nine English reporters here in the Senate. Honourable senators, we need more. The courts —

all the courts, Supreme, Federal, Tax Court — utilize their services continuously.

As I said, the broadcasting services should be using them. However, they often tell me that they cannot hire the technicians that they need because trained personnel are scarce.

[Translation]

In French, it is harder to accept, because we do not have access to an American network in French. Radio-Canada, the French network, is good, but it is not easy without closed captioning. TV5 is rarely closed-captioned. Access to French-language programming with closed captioning would be wonderful, but not easy.

There is no access to closed captioning in public spaces and on planes.

Today, Senator Kroft told me during a trip to Europe on an Air Canada plane, the closed captioning on screen was in German. Can you imagine? Not in French, not in English, but in German! He asked me how this was possible. I told him: "I do not know." This is unacceptable.

That is why I introduced the motion. I hope that the Standing Committee on Transport and Communications will review this problem and find solutions. If need be, Canadian carriers should be compelled to give safety instructions in both official languages. This is feasible for all modes of transportation, by air, land and sea.

I went to the Îles de la Madeleine last summer, for the inauguration of what they call a municipality, an amalgamation. They amalgamated some municipalities. They declared Grosse Île an Anglophone municipality. I noticed that there were no safety instructions on the boat. There were televisions everywhere, admittedly. There were lots of commercials. Even Air Canada sells a variety of things on board its planes by way of television commercials. Boats do the same. How is it that they can use English and French for commercials, but not for safety instructions? I do not understand.

It is quite a feat to get anywhere, too. Take the plane, plug your ears and try to get to Vancouver. You will have an interesting trip. If the person next to you is nice at all, fine! But if the person you are sitting with does not understand, you will have a heck of a time figuring things out. I am not referring to what might happen should there be an accident; in that case, you've had it!

Is it too much to ask that the Standing Committee on Transport and Communications review this issue? No, I think this is a reasonable request. I have the support of the Chair of the committee, who said the committee would review this. It will be my pleasure to invite representatives of Air Canada and other airlines, shipping companies and railways.

Let me come back to my original thought: closed captioning on television. This is a very important issue.

[English]

Some elderly people will deny that they have a hearing difficulty. I guess one might call that pride, but it is undoubtedly a difficult situation to be in. Everyone likes to understand and to participate. People like to hear what is going on. It is impossible for me to participate in a normal conversation unless the speakers speak slowly and I can read their lips. However, if you can write, I can read.

I am pleading that this Senate do something about this problem — not only for me, but also for the other 2 million Canadians.

[Translation]

I may seem to be repeating myself, but this is intentional. We have to look into this problem. It is one of those problems that have to be solved as quickly as possible.

Hon. Tommy Banks (Acting Speaker): Honourable senators, if no other senator wishes to speak, this inquiry is deemed debated.

The Senate adjourned until Thursday, February 27, 2003, at 1:30 p.m.

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(HANSARD)

Thursday, February 27, 2003

—◆—

THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Thursday, February 27, 2003

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

BLACK HISTORY MONTH

Hon. Edward M. Lawson: Honourable senators, it took us eight hours to walk out, with the 2,000 or 3,000 thousand following us, to meet the main group of marchers and then return to the capital grounds, where there were now between 15,000 and 20,000, mostly Blacks, on the grounds. The first speaker was James Meredith, who had recovered from his wounds sufficiently to rejoin the march a couple of days previously. The second speaker was Stokely Carmichael, from the Student Nonviolence Coordinating Committee. He called upon all Negroes "to build a power base...so strong that we will bring them [whites] to their knees every time they mess with us." He then stood up and chanted "Black Power, Black Power," and the crowd went wild. You could cut the tension with a switchblade knife.

The next speaker was the soft-spoken Reverend Abernathy. They had been singing *We Shall Overcome*. Reverend Abernathy said, "That is a good song and it served us well, but we need to change the words. Not we shall overcome, but we shall overthrow." The crowd jumped to its feet and roared its approval. Those handful of us Whites standing there had an anxious moment. If someone said "Let us get rid of the Whites," we were gone. Fortunately, the next speaker was Martin Luther King. He started by saying, over the roar of the crowd, "My dream has turned to a nightmare," referring to the assassination attempt on James Meredith. He then made his usual speech about peace and love and brotherhood and understanding, and quietened the crowd down. We then made the presentation of our union's cheque for \$25,000 and the rally was over.

In a quiet moment, I said to Dr. King, "I must tell you that there were a couple of times during those speeches ahead of yours when I felt fear. How difficult it must be for you facing this every day." He said, "Not since I made my decision." I said, "Your decision?" He said, "Yes. When I accepted the probability I would be assassinated on this job, and there was nothing I could do about it, any fear I had disappeared." Of course, history tells us that on April 4, 1968, he was killed by an assassin's bullet, by a sniper.

I think it is fitting that Dr. Martin Luther King, one of the great civil rights leaders, truly one of the great men of the last century, will live forever in the hearts and minds of those of us who care about civil rights and the protection of those rights for others.

I do not know how much time I have left, but there is one final point. We then left. We went to the airport to catch our flight. We were told it had been cancelled. It had not been cancelled. We had made a mistake. We were still wearing our "Meredith for Freedom" march badges and we were not welcome on the flight. We could not buy a magazine in the store, and three jumper flights later we made it back to the convention in Florida.

I thought that I would share this little part of Black history with fellow senators.

NEWFOUNDLAND AND LABRADOR

FLOOD IN BADGER

Hon. Ethel Cochrane: Honourable senators, we have all seen news reports in the last two weeks about the devastating flood in Badger, Newfoundland and Labrador. Today, I rise not only in recognition of this awful event but also to applaud the people of the area for their inspiring display of human courage, their strength and their generosity.

The problems began when an ice jam caused the waters of the Badger Brook and the Exploits and Red Indian Rivers to rise and engulf the town. Reports say the flood exceeded the 100-year mark, which means there was only a 1 per cent chance of flooding ever occurring. It happened swiftly and without warning. Within minutes, the town's 1,100 residents were forced from their homes. In fact, when the waters rushed in at 8:30 in the morning, many people sought safety while still in their pyjamas. Many did not even have time to grab a pair of socks.

The flood was only part one of the assault on Badger. Cold temperatures caused the water to quickly freeze, encasing houses, cars, snowmobiles, ATVs, virtually everything in the community, in ice. You had to be there to see it. The television does not display the true picture.

According to early estimates, more than 130 homes have been damaged and millions of dollars will be needed to replace everything lost in the flood. Again, in this tragedy, as in others in which the province has played a role, we find examples of incredible grace and goodness. We find people in communities banding together. While some people have moved in with family and friends in the region, about 400 families are currently staying in makeshift shelters at a former senior citizens' home and in two Pentecostal churches.

When the waters began rising, people thought not only of their own safety but also of the safety of their neighbours. One volunteer firefighter said of his first rescue effort, "The truck was floating on the way back. It was a crazy thing to do, but you are just trying to save people. You do not even think."

Honourable senators, the general public is also responding to the disaster. Thus far, \$515,000 has been raised through the Canadian Red Cross fundraising campaign.

• (1340)

I was especially happy to learn this morning that Parliament Hill is also responding. Proceeds from this year's "All-Party Party" will go to the Badger Relief Fund. Thank you all very much. I encourage all senators to fully support this event and to join in the efforts to help the people of Badger.

HEART MONTH

Hon. Wilbert J. Keon: Honourable senators, as you know, February is Heart Month. It is a month where literally tens of thousands of volunteers across Canada make an attempt to draw to the attention of our population that the leading health problem in our country remains heart disease. Although the progress and the management of heart disease has been truly enormous, still it is responsible for 37 per cent of deaths in men. More shocking, it is now responsible for 41 per cent of deaths in women.

A great deal remains to be done. I congratulate the Heart and Stroke Foundation of Canada for all it has done over the years in raising funds and sustaining research. Indeed, when I was actively involved as a scientist myself, their support was enormous.

This coming weekend, at the Heart Institute here in Ottawa, we will have our annual telethon. Over the past ten years, the greater Ottawa community has contributed \$28 million to these telethons, which run pretty much non-stop for 24 hours. This year, we hope to generate about \$3 million, or perhaps a bit more.

As I step out of my medical career and devote more time to you here, I would like to see us throw enormous energy into the prevention of heart disease. I have spent my whole professional life operating on people whose disease, in 50 per cent of cases, was preventable. Heart patients undergo enormous trauma, emotional and physical, for something that never had to happen. Surely, we must get together and see that this kind of thing does not go on forever. As I step out of the Heart Institute, I leave knowing that it will continue to provide the population, at least in this region, with state-of-the-art facilities — educational facilities, screening facilities, treatment facilities and counselling facilities — for the prevention of heart disease. A major portion of the money raised this weekend will go towards that new installation.

I also want to say a few words about all of you, honourable senators, and the MPs in the other place. You are in one of the heart disease highest-risk groups of people in the country because of your lifestyles. Senator Morin spoke to me about this a short time ago. He has been over to the Heart Institute and is talking about arranging a program for MPs and senators. I recommend that you listen to what he will have to say along the way.

[Senator Cochrane]

CANADA-UNITED STATES RELATIONS

Hon. Gerry St. Germain: Honourable senators, once again I am forced to rise and speak out against what has clearly become the government's policy towards the United States. Yesterday a member of the other place made the following comments about the American's position on Iraq:

"That man is ready to go."

"He doesn't care. He is gunning for a fight."

The member closed her remarks with, "Damn Americans. I hate those bastards."

Honourable senators, this clearly shows a trend against the United States. First, it was the Canadian ambassador to the U.S., Mr. Raymond Chrétien, the Prime Minister's nephew. He expressed the government's position on the American election by saying that they preferred Gore over Bush. Then the Prime Minister's personal press director, Françoise Ducros, declared to the press that the President is a moron. Now we have Ms. Carolyn Parrish's comments.

We sit here in wonderment that the government is not resolving the softwood lumber crisis, the agricultural crisis, the cross-border trade and security challenges, the dramatic drop in our standard of living and so on. We ask why we cannot resolve these matters, and yet we characterize our only bordering neighbour, our largest business partner and the only friend we can count on when we need immediate help, and the American leadership as morons and other things.

The federal government has once again further eroded our relationship with the U.S. The government has been wishy-washy on several matters, on terrorism, on Iraq. Still our government does not understand why the Americans have put all of our disputes on the back burners. The Liberal Party and government sentiment is one of anti-Americanism.

Honourable senators, in our democratic society, we are free to hold our own opinions. Public-office-holders must be held to a higher standard. The government's anti-American position, as so eloquently expressed by senior officials, senior advisers and caucus members, is not helping Canadians. It is clear; the time has come to change the leadership of this country. Canada needs leadership that will build relationships and build futures for our people.

TORONTO POLICE SERVICE

Hon. Consiglio Di Nino: Honourable senators, this past New Year's Eve, I had the privilege of accompanying Police Chief Julian Fantino as he joined with the men and women of the Toronto Police Service on night patrol. While at RIDE sites that night, I was once again impressed with the professional and courteous manner of the officers. Somewhat surprising, though, was the reaction of the drivers and passengers of the vehicles that were stopped. Many of them, if not most, actually thanked the police for doing their part in keeping our streets safe.

During our visit to the communications centre, I was reminded once again of the critical role played by the men and women of this division. These people are the lifeline on which the officers on the street depend for the vital information they need to resolve, in a safe and effective manner, the dangerous situations they confront daily.

However, the most important lesson for me that night was realizing the value of Traffic Division, usually the division most disliked by the average citizen. Honourable senators, last year, in the city of Toronto, there were 60 homicides. However, 94 people died as a result of traffic accidents. There were also the usual vehicular crashes which, as everyone knows, take an enormous physical, mental and economic toll on those involved and, indeed, on the country. That there were so few traffic deaths is due in part to the hard work of the Toronto Police Service.

One of the reporters from *The Toronto Sun*, who was with me that evening, a gentleman by the name of Joe Warmington, put it this way, and I thought he hit the nail right on the head: These guys save lives.

The night I spent with the men and women of the Toronto Police Service increased my respect for them and reinforced my belief that we in Toronto and, indeed, all Canadians owe an enormous debt of gratitude to those who choose to dedicate their lives to protecting our families and our communities.

If I may, to each and every one of the police officers across Canada and on behalf of all honourable senators, I extend our gratitude and appreciation.

[Translation]

ROUTINE PROCEEDINGS

THE OPENING OF THE PARLIAMENT OF CANADA

DOCUMENT TABLED

The Hon. the Speaker: Honourable senators, as promised, I have the pleasure to table, in both official languages, a copy of the document entitled: "The Opening of the Parliament of Canada" and dated February 2003.

[English]

Honourable senators, on October 29, 2002, on points of order raised with respect to the opening of the second session of the Thirty-seventh Parliament, I undertook to table a document to better explain the traditions, practices and etiquette of the opening of a Parliament. This document and my covering letter will be distributed to all senators.

• (1350)

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO REFER DOCUMENTS FROM TRANSPORT AND COMMUNICATIONS COMMITTEE STUDY ON BILL S-26 IN PREVIOUS SESSION TO STUDY ON BILL S-10

Hon. Tommy Banks: Honourable senators, with leave of the Senate, and notwithstanding rule 38(1)(a), I move:

That the papers and evidence received and taken by the Standing Senate Committee on Transport and Communications during its study of Bill S-26, An Act concerning personal watercraft in navigable waters, in the first session of the Thirty-seventh Parliament be referred to the Standing Senate Committee on Energy, the Environment and Natural Resources for its study of Bill S-10, An Act concerning personal watercraft in navigable waters.

The Hon. the Speaker: Is this a notice, Senator Banks?

Senator Banks: I ask for leave that it be done now.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Anne C. Cools: I am curious. Honourable senators, why is leave required?

Senator Banks: It is a motion that would normally require notice, and I am asking that the period of notice be waived.

Senator Cools: I know what the rule says. I am asking why the honourable senator is invoking it?

Senator Banks: Honourable senators, with this authority, when we return to work on March 18, we will immediately be in a position to consider that evidence in our study of the bill. Also, additional government legislation will be coming to that committee, and do not want to stall it.

Senator Cools: When we return, when will your committee meet?

Senator Banks: Tuesday, March 18.

Senator Cools: Honourable senators, I am just curious. Leave like this is supposed to be asked for under unusual circumstances and when there is some pressing matter before us. I am curious as to why. All the honourable senator has said is that he wants it done in a hurry. However, he is not telling us why.

Senator Banks: Honourable senators, we should like to consider that evidence at our next meeting on Tuesday, March 18. This is the last sitting of the Senate prior to that date. That is the only reason.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

NATIONAL FINANCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Lowell Murray: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Finance have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

[Translation]

OFFICIAL LANGUAGES

COMMITMENTS OF FEDERAL DEPARTMENTS TO GUARANTEE ACCOUNTABILITY— NOTICE OF INQUIRY

Hon. Jean-Robert Gauthier: Honourable senators, I give notice that on Tuesday, March 18, 2003:

I will call the attention of the Senate to the official languages commitments that should be made by all federal departments in order to guarantee the accountability of senior managers, language training, partnership and the right to work in the official language of one's choice.

[English]

QUESTION PERIOD

NATIONAL DEFENCE

HMCS *IROQUOIS*—CRASH OF SEA KING HELICOPTER

Hon. Terry Stratton: Honourable senators, I would like to address these questions on behalf of Senator Forrestall, who is travelling with the National Security and Defence Committee.

Today we learned the unfortunate news that a Sea King had crashed on the deck of the HMCS *Iroquois*. Initial reports state that the helicopter had taken off, developed problems in the air, then hit the deck so hard that it actually rolled over. There is extensive damage to the ship, and it is now on its way back to port in Halifax.

Can the Leader of the Government tell us the condition of the two injured crewmen? Are their injuries extensive?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question. The incident took place at 10:30 a.m., Halifax time. It took place during takeoff. The helicopter, I understand, was at no point airborne. It rolled over on to the surface of the deck. There were four airmen on board. Two of them were injured in a very minor way, and their families have been informed.

The honourable senator is quite correct, the deck has been damaged. The Sea King remains on its side on the deck at the present moment. The ship is on its way back to Halifax for deck repair.

Senator Stratton: Can the Leader of the Government in the Senate tell us if there is any indication of the cause of the accident?

Senator Carstairs: No, my understanding is they are waiting until the ship and the helicopter arrive back in Halifax because that is where the team that normally conducts the investigations is located. They are only 600 nautical miles from Halifax, and one would assume they should be back within one or two days.

Senator Stratton: The honourable senator has told us that the initial assessment of damages was to the deck. Is that the extent of the damage, to her knowledge? Is there any indication of how long it will take to repair the ship?

Senator Carstairs: Honourable senators, I have given you all the information that I have available. Obviously, until the Sea King is removed from the deck, the actual extent of damages to the ship will not be known. They are not moving the helicopter until such time as it reaches Halifax and can be removed. At that point, an assessment of the damage to both the Sea King and to the HMCS *Iroquois* will be made.

Senator Stratton: Can the Leader of the Government in the Senate tell us if the rest of the Sea King fleet has been put on flight restrictions, pending the determination of the cause of the crash?

Senator Carstairs: Honourable senators, I do not know the answer to that. I know that in previous cases when the cause of damage to a plane was not clearly understood, other similar planes were not allowed to fly until the cause was understood.

I have given the honourable senator every scrap of information that I have at this time.

• (1400)

REPLACEMENT OF SEA KING HELICOPTERS— TIMING OF PROCUREMENT PROJECT

Hon. Terry Stratton: Can the Leader of the Government in the Senate tell us if the government will now move forward with the maritime helicopter procurement to replace the Sea King?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator knows, before Christmas, the government made an important decision to speed up the helicopter project. That project is now ongoing. The budget that was tabled just a few short weeks ago contains the funding for the procurement project, and one anticipates that it will go forward as quickly as possible.

THE ENVIRONMENT

BUDGET ALLOCATION FOR IMPLEMENTATION OF KYOTO PROTOCOL—STATEMENT BY MINISTER

Hon. Gerald J. Comeau: Honourable senators, my question is directed to the minister and deals with the \$1.7 billion for climate change initiatives contained in the recent budget.

Environment Minister David Anderson publicly stated that the federal government has to guard against this money being used to “finance hobby horses and pet projects of Liberal cabinet ministers.” Would the minister explain what the Minister of the Environment was getting at with this statement?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I do not know what the Honourable Minister of the Environment meant when he made that statement. However, it is very clear that the purpose of the \$1.7 billion that has been granted to meet our Kyoto obligations must be used for that purpose.

Senator Comeau: I would assume, therefore, honourable senators, that there was no discussion in cabinet of hobby horses and pet projects.

It is important that the federal government take an approach that has the support of industry and other levels of government. The Minister of the Environment seems to be predicting that any funds directed toward addressing climate change might disappear into a black hole unless some controls are put into place.

Could the Leader of the Government in the Senate please tell us whether the government has a concrete strategy to engage provincial and other levels of government as partners in this budget spending measure with respect to climate change? Is a concrete strategy now in place?

Senator Carstairs: Honourable senators, the Minister of the Environment, along with the Minister of Natural Resources, is responsible for implementation of the Kyoto Protocol. He is extraordinarily concerned that the issues encompassed within that protocol get the dollars necessary for Canada to meet its targets.

I can assure the honourable senator that I, too, am very supportive of these dollars being used for the purpose of fulfilling our international obligations, and I believe that is the position of the entire cabinet.

Senator Comeau: Honourable senators, in his remarks about this money not becoming a slush fund for pet projects, the minister went on to say that he would be proposing that a control group of four so-called “disinterested” departments would be responsible for deciding which greenhouse gas reduction projects would be funded.

Can the minister advise which four departments would be in that group?

Senator Carstairs: Honourable senators, I cannot advise the honourable senator whether that will be the approach, but I would refer him to the briefing book Budget 2003 in which the following is said about the approach on accountability:

Departments responsible for designing programs will submit their proposals and they will be evaluated through the appropriate Cabinet and Parliamentary approval process as required. Departments will be accountable for delivering on results.

UNITED NATIONS

POSSIBLE WAR WITH IRAQ— PLAN TO BRIDGE DIFFERENCES AMONG MEMBERS OF SECURITY COUNCIL

Hon. Douglas Roche: Honourable senators, my question is directed to the Leader of the Government in the Senate. For the past two days, I have been asking the leader to inform the Senate about the government’s plan concerning the Iraq crisis, a plan which has come to be known as “the Canadian compromise” and which the Prime Minister himself carried to Mexico.

The minister said that she did not have the paper. Well, honourable senators, I have that paper. If the minister cares to ask me, I will gladly tell her where I got it.

Will she table this paper, which is entitled “Ideas on Bridging the Divide,” so that all senators can read it?

Further, will the leader agree with me that this Canadian compromise paper is a highly praiseworthy initiative by Canada to bridge the divide in the Security Council and hold the United Nations together, at the most critical moment the UN has seen in several decades, and that this whole Iraq question should be debated in a government-sponsored motion in the Senate based on this timely paper?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I certainly would concur 100 per cent that the initiative by the Government of Canada is highly praiseworthy.

I now have a copy of the paper, in English only, and I would say that it is a non-paper. It is entitled “Ideas on Bridging the Divide.” That is what it is. That is what the Government of Canada has decided would be the best approach to take to come, hopefully, to a positive conclusion by bringing the nations together.

As the honourable senator knows, the reaction so far has not been overwhelmingly positive although there is some positive support out there for the initiative. It has been, however, rejected by the United States as well as by Germany. That means that we must work with those countries that are so-called “non-aligned” on the issue at this time. Those countries seem to be reacting much more positively to the bridging that the Government of Canada is attempting to do.

Honourable senators, I cannot give you any more information than that other than to say that, as we leave this place for two weeks, we are all encouraged by any positive initiative that can be put forward by the Government of Canada.

Senator Roche: Honourable senators, I do not want to take up the time of the Senate with an arcane discussion about the difference between a paper and a non-paper. I have been in diplomacy and I know the difference. The point is that this is an initiative by the Government of Canada, which is extremely important, at a critical moment in the history of the world. I did not hear the leader say that she would table it, although I did hear her say that she had in one language only, which is her problem and not mine. I hope that she can find a way to have this paper made available for all senators to read because it is well worthy of discussion.

Does the minister agree that, if the Canadian compromise is accepted, and if the UN inspectors report on March 28, that Iraq is in substantial compliance with resolution 1441, there would then follow increased numbers of inspections in the Iraq process and that war would be averted?

Senator Carstairs: Honourable senators, since Senator Roche has knowledge of how diplomacy works I would ask him to allow the government as much flexibility as possible. If we are to be successful in this initiative, we must not restrict ourselves to words on paper. We need to have genuine flexibility to bring forward the compromise that we are working so hard to achieve.

• (1410)

Senator Roche: Honourable senators, of course the government needs flexibility; that is not the point here. The point is that for there to be support for this Canadian compromise, the document must be shown, particularly to those six swing votes on the Security Council that are not yet locked in, one of which is Mexico, another of which is Chile. This is doubtless why the Prime Minister went to Mexico. There may be other things he is doing, but our Prime Minister is certainly talking to President Fox of Mexico, who was reported today as giving a positive reaction to the Canadian paper. I dare say that the Senate would be capable of giving such a positive reaction, if honourable senators had the paper before them to shore up the work of the Prime Minister in trying to influence those important other states on the Security Council to agree that we can solve this crisis without war. That is a worthy and noble effort that all Canada ought to stand behind.

Senator Carstairs: Honourable senators, first let me correct any misapprehension that the Prime Minister is in Mexico as a direct result of this initiative. The trip to Mexico has been planned for many months. The date happened to coincide with activities that were happening in the United Nations, but one has nothing to do with the other.

The Prime Minister has raised the paper that has been circulating in the United Nations with the President of Mexico. I am pleased that the President of Mexico has indicated some support for that initiative. However, I would remind the honourable senator that we are circulating ideas. We do not wish to lock ourselves into a situation where nothing can be changed or edited to reach further compromise. That would be a dangerous situation.

POSSIBLE WAR WITH IRAQ—PLAN TO BRIDGE
DIFFERENCES AMONG MEMBERS OF SECURITY
COUNCIL—REQUEST TO APPEND TO
DEBATES OF THE SENATE

Hon. Marcel Prud'homme: Honourable senators, I should like to make a concrete and positive suggestion. This is not an issue for debate; this is Canada's official proposal for a solution to the Iraq situation.

We will adjourn in a few hours for more than 15 days. I know the answer could easily be, "Well, write an e-mail," but there are so many hundreds of thousands of people who will read the *Debates of the Senate* for today. If there were an agreement of the Senate — and this is not partisan — to append to the debates Canada's proposal for a solution in Iraq, people who read the debates tomorrow and next week would not have to refer back to the Internet.

Therefore, honourable senators, I would ask for unanimous agreement to append Canada's compromise to the Iraq situation to the *Debates of the Senate*.

The Hon. the Speaker: Honourable senators, this is Question Period, so I will take that as a supplementary question.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I would be reluctant to file this paper as an addendum to the debates. I wish to make it clear that this paper is not an official proposal. This is a set of ideas that are subject to amendment and change. It would not be in the best interests of the Government of Canada to see that that paper made an addendum to the debates of this house.

FOREIGN AFFAIRS

POSSIBLE WAR WITH IRAQ—
REQUEST FOR BRIEFING BEFORE COMMITTEE

Hon. Marcel Prud'homme: Honourable senators, I never breach the rules by referring to the absence of an honourable senator. However, I know the honourable senator is not absent; the chairman of the Standing Senate Committee on Foreign Affairs is working on his committee. I follow the rules. As a gentlemen, I will not say, "Well, if he were here, I would ask the question." I have been trying to catch his attention. He is my friend and I want him to be here, but he is not.

Therefore, I would ask the Leader of the Government in the Senate to ask the Chairman of the Foreign Affairs Committee to reflect, during the next two weeks, on the possibility of having a full briefing session with the necessary witnesses. If the minister would transfer that message to the honourable senator officially, via her office, and the chairman were to concur, then senators would be better informed to participate in an issue that might explode in our face while we are absent.

The British Parliament has had this debate. The British Parliament voted. The only body that has not debated this issue is the Standing Senate Committee on Foreign Affairs. I am saddened by this reality. I will not say I am outraged. We should have had some initiative in this regard.

Would the Leader of the Government in the Senate kindly consider transmitting this message to the Chairman of the Standing Senate Committee on Foreign Affairs?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators I would assume that the Chair of the Foreign Affairs Committee reads the *Debates of the Senate*. Thus, he will see the request when he reads the interventions in Question Period for today. I do not direct committees and I will not propose to do that today.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FISCAL 2003-04— POLICY FOR TRAVELLING COMMITTEES

Hon. Mira Spivak: Honourable senators, my question is either for the Leader of the Government in the Senate or the Chairman of Standing Committee on Internal Economy, Budgets and Administration.

I am curious as to the policy for both foreign and domestic travel for the coming year. I know that there has been flexibility for this year. However, I should like to know whether that flexibility will carry forward, whether that decision has been made. Perhaps it is in some document that I have not yet seen. I wonder if that will be the policy.

Hon. Lise Bacon: Honourable senators, we have a set of guidelines for this year's budget. I mentioned the other day to the Honourable Senator Comeau that we would review the set of guidelines for the next budget. In part, it depends on the amount of money requested by the committees and the money available for the committees. We will certainly have another set of guidelines, but whether the situation will be the same, I do not know. We will have to see how much money is requested of us and what is available.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

LEGISLATION ON NATIVE WOMEN AND PROPERTY RIGHTS

Hon. Terry Stratton: Honourable senators, I should like to file with the minister approximately 15 additional questions, and I do not have time to ask them all today, with respect to various regulations and bills that were put in various Speeches from the Throne or reports on planning and priorities that perhaps she could take a look at over the break.

Specifically, I direct her to the item with respect to Aboriginal women and property rights, an issue that should concern all of us. I will file these questions and perhaps the leader could return to us with the responses. I believe these questions will bring us to over 20 questions respecting regulations and bills that have not been brought forward by this government.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I am always pleased to obtain answers for any honourable senator, either through the formal process here or by written letter to me.

In regard to the question with respect to Aboriginal women and property rights, the honourable senator will be aware that earlier this week the members of the Standing Senate Committee on Human Rights were very positive about undertaking a study of the issue of Aboriginal women and property rights.

FOREIGN AFFAIRS

THE COMMONWEALTH— EFFORTS TO ACCEPT RETURN OF ZIMBABWE

Hon. A. Raynell Andreychuk: Honourable senators, I should like to ask a question about Canada's plan of action, if there is one, on a development in the Commonwealth.

It would appear that Mr. Obasanjo and Mr. Mbeki are moving toward attempting to get Zimbabwe back into the Commonwealth. I should like to know what pre-emptive action Canada is taking.

In reference to a previous issue, if Canada is to have a leadership role, timing is of the essence. The best time to try to exert influence on the Commonwealth membership is while positions are not yet fixed.

Will the Leader of the Government in the Senate provide an assurance that Canada is not supporting any move to reinstate Zimbabwe into the Commonwealth as long as President Mugabe continues his action against his people? Further, I would ask that we prepare a plan of action to encourage all other members of the Commonwealth to hold to the position taken last year.

• (1420)

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I can assure the honourable senator that the Government of Canada took a firm stand with respect to Zimbabwe's place, or lack of place, if you will, in the Commonwealth. I have absolutely no indication that the plan has changed.

The honourable senator raised the possibility that others may be taking action. I will certainly draw her concern to the attention of Minister of Foreign Affairs, that is, that it would be better if we had a plan sooner rather than later. I assure the honourable senator that I will support the initiative that she brought forward this afternoon.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table an answer to an oral question raised by Senator Gauthier on February 11, 2003, regarding official languages.

OFFICIAL LANGUAGES

NORTHWEST TERRITORIES ACT

(Response to question raised by Hon. Jean-Robert Gauthier on February 11, 2003).

Parliament is required to concur only if language rights or services are impaired (sect. 43.1 of the Northwest Territories Act). If these rights or services are improved, Parliament is not required to concur (sect. 43.2).

The amendments proposed by the NWT will be tabled on March 3, and only then will we be in a position to determine whether we will have a role to play in this issue.

In addition, the PM will announce the content of the Official Languages Action Plan on March 12, 2003, and the Plan will include an implementation framework.

[English]

POINT OF ORDER

Hon. Douglas Roche: Your Honour, I rise to raise a point of order and request that a determination be made as to the best resolution of this question concerning the Canadian paper on Iraq.

I should like to briefly take honourable senators through what has transpired.

On Tuesday, during Question Period, I asked the minister if she could elaborate on the plan to avert war in Iraq, that Canada's ambassador is putting before the Security Council. The minister replied:

Honourable senators, let me be clear: There is no concrete plan or initiative on the part of the Canadian government.

She went on to say that the government is sharing some ideas.

Yesterday, I came back and asked the minister:

Can she clarify her statement of yesterday that there is no concrete plan or initiative by Canada ...

I then cited the one-and-a-half page long document called, "Ideas on Bridging the Divide." I concluded my question by asking if the minister could table the paper so that senators could see it. The minister replied:

Honourable senators, I do not have the paper, so I cannot possibly table it.

Of course, I take the minister's statement that she did not have the paper and could not table it, but what are the implications of the minister telling this chamber two days in a row that she did not have the paper? One implication is that my question was not

important or not worthy of discussion: "Let's forget it. Go away and stop bothering me." I am concerned about the question being diminished two days in a row.

I then obtained the paper. I will tell senators where I obtained the paper. I obtained it from the CBC News Web site, and it is the official paper. It is stated that it is the complete text of the Canadian plan entitled "Ideas on Bridging the Divide." I will not read the text because it is my goal to have this paper put before the senators.

I will not discuss, honourable senators, the question of whether this is a paper or non-paper. That is totally irrelevant. This is an initiative that the Government of Canada, at the highest level possible, the Prime Minister himself, brought forward. Moreover, honourable senators, the Canadian ambassador to the United Nations Mr. Paul Heinbecker, a man for whom I have intense respect, called in the reporters and cameras yesterday to follow him around. He admitted those cameras to his conference room in the Canadian mission to the UN, where they were photographed discussing this very initiative, an initiative that we in the Senate are being told does not exist as an initiative, an initiative that the Prime Minister himself has carried forward.

The Hon. the Speaker: Senator Roche, I recognize that you are laying out the facts, but the purpose of a point of order is to deal with some proceeding or some error in the way we are proceeding in the chamber. I would urge you to get to that part of your point of order so we can determine whether or not matters are proceeding in order.

Senator Roche: Honourable senators, my point of order concerns, I suppose, the rights of all senators to receive accurate information on a timely basis. When a paper is asked for, it either exists or it does not exist. The paper does exist.

Today the minister completed her comments on this question by saying that she does now have the paper but cannot table it because it is not in both official languages.

I do not know what to make of this. I have only been here five years. Perhaps I have not been here long enough to figure out what is going on. I think that this is an important issue and that the Senate is the place where we should debate the most pressing issues of the day. Since this paper forms an initiative by Canada, why has it not been tabled?

I am uncertain whether this forms the basis of a real point of order, but I would like your view on this.

The Hon. the Speaker: I will ask if any others wish to intervene and then give you a last opportunity to comment, Senator Roche.

Hon. Sharon Carstairs (Leader of the Government): With the greatest respect to the honourable senator, he does not have a point of order. What I said on Tuesday, on Wednesday and on Thursday was very clear. For his information, I received the document to which he refers at one o'clock today. That is the first time I saw it, and that is why it was part of my briefing books.

I also indicated to him, over and over again, that the Government of Canada was sharing ideas. It is still sharing ideas. It is not a proposal. It is not an official document. It is a sharing of ideas to promote a dialogue, a dialogue wherein, hopefully, the honourable senator and I have the same end in mind, which is to avoid a war with Iraq.

The Hon. the Speaker: I have been looking at the rules. I will take the matter under advisement and report back to the house.

I would apologize to Senator Prud'homme. I did look around. I did want to provide everyone with an opportunity to intervene but, in accordance with the rules, I must make a determination when I have heard enough. I have done so and I have indicated that I will take the matter under advisement.

[Translation]

ORDERS OF THE DAY

THE ESTIMATES 2003-04

NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY MAIN ESTIMATES

Hon. Fernand Robichaud (Deputy Leader of the Government), pursuant to the notice of February 26, 2003, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Estimates for the year ending March 31, 2004, with the exception of Parliament Vote 10 and Privy Council Vote 25.

Motion agreed to.

THE ESTIMATES 2002-03

NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY SUPPLEMENTARY ESTIMATES (B)

Hon. Fernand Robichaud (Deputy Leader of the Government), pursuant to the notice of February 26, 2003, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates for the fiscal year ending March 31, 2003.

Motion agreed to.

• (1430)

THE ESTIMATES 2003-04

VOTE 25 REFERRED TO OFFICIAL LANGUAGES COMMITTEE

Hon. Fernand Robichaud (Deputy Leader of the Government), pursuant to the notice of February 26, 2003, moved:

That the Standing Joint Committee on Official Languages be authorized to examine the expenditures set out in Privy Council Vote 25, of the Estimates for the fiscal year ending March 31, 2004.

Hon. Marcel Prud'homme: Honourable senators, instead of authorizing the Standing Joint Committee on Official Languages to examine the projected expenditures set out in Privy Council Vote 25, could this matter not be examined in the Committee of the Whole in the Senate?

Considering how important this issue is for one of our honourable senators, and since it is the first time that we have a Senate Committee on Official Languages, as opposed to a joint committee with the other place, perhaps the time has come to review the issue in Committee of the Whole.

For once, all senators, regardless of the party or the region that they represent, would have the opportunity to be apprised of this issue, and there is no better way to do it than to review it in Committee of the Whole. I notice that many senators around me are supportive of the idea and I invite them to take part in the discussion.

Senator Robichaud: Honourable senators, traditionally, votes for official languages were reviewed by the Standing Joint Committee on Official Languages of the Senate and of the other place.

The Senate now has an Official Languages Committee. This, therefore, is an opportunity to give a chance to that committee to point out the work that it does and to allow it to review budgets.

I also want to mention that all honourable senators can attend meetings and take part in the committee's debates.

Senator Prud'homme: Honourable senators, the deputy leader is well aware that we know the rules. All senators can attend all meetings, including in camera sittings of committees and preliminary meetings.

Honourable senators much interest was generated when Senator Kinsella asked Mr. Radwanski to appear before the Committee of the Whole. Mr. Radwanski could have appeared before a committee. However, when he appeared before the Committee of the Whole, over half of the senators were there. Traditions are fine, but we can establish new ones to make Senate reviews even more lively. I am not pushing this. I am merely making a suggestion.

I think that, from time to time, there should be more reviews done in Committee of the Whole in the Senate. This would allow everyone to put questions to senior officials; our reviews would then have a greater impact. I already see that the Leader of the Government is objecting strenuously. I guess I will not have much success today.

Senator Robichaud: Honourable senators, the strenuous objections of the Leader of the Government in the Senate are to the effect that all committees can review the estimates of the various departments. Of course, any senator who wishes to attend a meeting is welcome to do so, even when meetings are held in camera.

While taking Senator Prud'homme's suggestions into account, I believe it would be preferable to ask the Standing Committee on Official Languages to review expenditures for official languages.

Senator Prud'homme: Honourable senators, the deputy leader is using a lot of words to say that he is refusing my suggestion, end of discussion. I am no fool. I understand that you did not want to. I must say I am not in a good mood.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

VOTE 10 REFERRED TO STANDING JOINT COMMITTEE ON LIBRARY OF PARLIAMENT

Hon. Fernand Robichaud (Deputy Leader of the Government), pursuant to notice of February 26, 2003, moved:

That the Standing Joint Committee on the Library of Parliament, when and if the Committee is formed, be authorized to examine the expenditures set out in Parliament Vote 10 of the Estimates for the fiscal year ending March 31, 2004; and

That a message be sent to the House of Commons to acquaint that House accordingly.

Motion agreed to.

[English]

NATIONAL ANTHEM ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator Corbin, for the second reading of Bill S-14, to amend the National Anthem Act to reflect the linguistic duality of Canada.—(*Honourable Senator Banks*).

Hon. Tommy Banks: Honourable senators, I took the adjournment of the debate on this bill yesterday. I had heard the substance of the bill when Senator Kinsella first introduced it.

[Senator Prud'homme]

However, I had not looked at the bill. The first time I did was yesterday afternoon, during the debate. That is when I noticed that there was a piece of music attached to it. I do not know how often that happens. I suspect this might be only the second time, the first time probably having been in 1980.

I wanted to have a peek at it. Because I did not want to let honourable senators know how badly I sight read, I took a look at it in the privacy of the reading room.

Senator Stratton: You could sing it!

Senator Banks: Honourable senators, that would have the effect of clearing the joint out, and I do not want to do that. Perhaps Senator Kinsella will accept the invitation of yesterday. He is in much better voice than I, and I know that for a fact because he was among the sober singing senators who performed last Christmas.

I simply wish to remind honourable senators of what Senator Kinsella told us yesterday, that his bill in no way conflicts with Senator Poy's bill. In fact, they are quite complementary to each other. Neither is mutually exclusive. The point of Senator Poy's bill is to make the English lyrics of the anthem inclusive rather than exclusive.

One of the perfectly good points of Senator Kinsella concerns all the different versions of the anthem that we hear, not only in arenas at hockey games but at all sorts of other events, all across the country, in every province and territory. He wishes to ensure that there is, in those instances, an official bilingual version that actually makes sense, in which the lines actually lead to one another with some logic rather than what we sometimes hear, which is that they sometimes do not.

• (1440)

Therefore, I wish to urge two things upon honourable senators. The first is that we send Senator Kinsella's bill, Bill S-14, immediately to the appropriate committee for study and consideration, and I hope that at the same time and in virtually the same breath, we will send Bill S-3 to the same committee so that they can be considered in context, each with the other, which is an important consideration. I urge that we do that. I urge that when those motions come, honourable senators support them both with alacrity.

Hon. Eymard G. Corbin: Honourable senators, it will not be before I have had my say, so I adjourn the debate.

On motion of Senator Corbin, debate adjourned.

STATUTES REPEAL BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Wiebe, for the second reading of Bill S-12, to repeal legislation that has not been brought into force within ten years of receiving royal assent.—(*Honourable Senator Kinsella*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I wish to participate in this debate on Bill S-12, a very important bill, in my view, entitled: "Statutes Repeal Act." It is important for a number of reasons, not just in terms of housekeeping, but in terms of issues of substance.

Legislation that has gone through the two Houses and received Royal Assent very often has attached to it a coming into force date, either for the entire bill or for a section of the bill.

This bill deals with pieces of legislation with such a provision but that has never come into effect. The question becomes whether or not the intent of the legislators at the time the legislation was enacted was framed within circumstances of, *hic ad nunc*, the here and now, or the circumstances of the environment in which the legislation is being examined, and over time, those circumstances change. Therefore, there is no intent or continuing intent as far as the legislators are concerned. The bill proposes that, after a certain fixed period of time, if a bill or parts of a bill that have been enacted and given Royal Assent have not been put into force, they be repealed *ipso facto*.

There are a number of attractive features to that idea if you take a look at some bills. For example, section 248(4)(b) of the Emergencies Act was amended providing for the detention, imprisonment or internment of Canadian citizens or permanent residents within the meaning of subsection 2(1) of the Immigration and Refugee Protection Act, on the basis of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. I find a provision like that in a statute to be morally and politically repugnant. Furthermore, it stands contrary to our international human rights obligations. For example, section 4 the International Covenant on Civil and Political Rights makes it perfectly clear that, even in times of national emergencies, when the life of the nation itself is threatened, discriminating on the basis of these prohibited grounds indicated here is never permitted. Certain rights, such as those with regard to torture, may never ever be derogated from.

We do have laws in the books. It received Royal Assent, it received the approbation of the two Houses of Parliament, but in their wisdom, the legislators who enacted those measures recognized that circumstances would be such that the state would never have to have those extra powers. The government of the day that brought them forward wanted to have measures available to call upon if it needed them in times of national emergency.

That provision has never been brought into force, happily. If the government, in other circumstances, felt that those kinds of powers were necessary after a ten-year period, then the government could come back to Parliament and say, "We still need to have these kinds of measures." There is a virtual principle or sunset principle contained in this bill that I find to be salutary from a human rights perspective, and it is one reason I support this bill.

My third point, in conclusion, honourable senators, is it seems to me that there should be some kind of accounting for measures not been brought into force. Parliament should be told why these measures have not been brought into force. The government has asked Parliament to give it an authority just in case. Maybe Parliament is entitled to hear the reason, and no doubt, in most circumstances, the government was not put in a position where it had to bring into force those provisions. It seems to me that such justification should be periodically tabled in Parliament.

The virtue of Bill S-12 is that that will happen as a matter of course in the legislative process. After some nine years, a measure that could have been brought into effect but was not, it would be *ipso facto* deleted. It does not stop the government from bringing the measure back, but that particular provision would cease to have force and effect and could not be called upon.

It is a good idea in terms of public policy. It is a good idea in terms of the security of the rights and freedoms of Canadians from measures that may have made sense at the beginning of a decade but make no sense at the end of a decade. The time line that is being proposed makes eminent sense. Therefore, I should hope that honourable senators will support the bill in principle and that it will make its way to the appropriate committee for detailed analysis.

Hon. Tommy Banks: I believe, honourable senators, if I speak, it will have the effect of closing debate on second reading.

The Hon. the Speaker: Honourable senators, Senator Banks is correct in that if he speaks now, it will have the effect of closing the debate on second reading.

• (1450)

Senator Banks: Honourable senators, I thank Senator Kinsella for having put more clearly than I did in my last comments on this bill, some of the specific dangers to which I referred. There are other such dangers, but Senator Kinsella has raised a particularly cogent one.

I neglected to mention one point which I think is important to know before the bill, hopefully, is sent to committee for study. The proposal in the bill on the tabling of notices would, in effect, give the government nine or ten months' notice. During that nine or ten months, the government could bring that section of the act into force. That is to say, the list will be placed before us and before the other place at the first opportunity in the calendar year. By that list, the government will receive notice that, should they fail to bring into force that act or that section of the act by the following December 31, then that act or that section of the act is repealed. The government of the day has opportunity to bring the act or section into force during that time or, in the alternative, as Senator Kinsella has said, to come to Parliament and ask to continue the flexibility contained therein for bringing into force the act or section.

I hope that honourable senators will agree that we should proceed with this bill.

The Hon. the Speaker: Will the Honourable Senator Banks take a question?

Senator Banks: Sure.

Hon. Eymard G. Corbin: Honourable senators, I think I know what the expression "coming into force" means, but I want to make sure that its use here is limited to what I understand as "coming into force." For example, if you take any government bill like Bill C-8, to protect human health and safety and the environment by regulating products used for the control of pests, you will see that the last clause is clause 90. It is entitled, "Coming into Force." There is the marginal explanatory notation which also reads, "Coming into Force." The clause states:

The provisions of this Act, and the provisions of any Act as enacted by this Act, come into force on a day or days to be fixed by order of the Governor in Council.

Am I to understand that the expression "coming into force" does indeed refer to, and refers only to, the decision of the Governor in Council to put it into force as of the date that it is signed and registered by the Clerk of the Privy Council? Is that the only meaning attached to the term, or is there a hidden meaning?

Senator Banks: Honourable senators, I am flattered that one would think I could put hidden meaning into a bill. There is no hidden meaning and Senator Corbin has exactly characterized the circumstances, the kind of act to which this would apply, and to which this bill would refer.

The "coming into force" provision contained in some bills states that the bill will be enacted, on a date certain or in the event of certain preconditions, or when another act or some provision of another act occurs. This bill refers only to those acts in which the coming into force clause specifically gives to the Governor in Council the flexibility to determine when and if the act will come into force, and to nothing else.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Banks, bill be referred to the Standing Senate Committee on Legal and Constitutional Affairs.

NATIONAL ANTHEM ACT

BILL TO AMEND—SECOND READING—
ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Poy, seconded by the Honourable Senator Banks,

for the second reading of Bill S-3, to amend the National Anthem Act to include all Canadians.—(*Honourable Senator Stratton*).

Hon. Terry Stratton: Honourable senators, I rise today to give assurance that I will speak to this matter. As I said to Senator Poy yesterday, I will speak to this upon our return after the break. She has graciously accepted that.

Order stands.

VIMY RIDGE DAY BILL

SECOND READING—DEBATE ADJOURNED

Hon. Marie-P. Poulin moved the second reading of Bill C-227, respecting a national day of remembrance of the Battle of Vimy Ridge.

She said: Honourable senators, in the books of Canadian military history, Vimy Ridge stands out as the sole epic battle that defined us as a nation. It marked the first time, almost 86 years ago, that Canadians fought as a single entity. Canadians from coast to coast to coast — school teachers, lumberjacks, businessmen, fishermen, factory workers — united in an unprecedented esprit de corps to vanquish a formidable foe who had fended off for three years the armies of two other nations.

On a cold windy and sleet-driven morning — 5:30, to be exact — on Easter Monday, April 9, 1917, a hundred thousand of these citizen soldiers stormed out of the mud and pestilence of their trenches and from a warren of tunnels to overrun a curtain of cannon and machine-gun fire. Their heroic deeds marked the birth of a nation. By the middle of that afternoon, most of the ridge had been captured. Of the 100,000 Canadians who took part in the historic battle, more than 30,000 troops went over the top out of their filthy, miserable hovels into no-man's land and up the cratered slopes. Within 24 hours, they achieved 70 percent of the target. By April 12, what was left of the German outposts along the ridge had been cleared up.

• (1500)

The first all-Canadian fighting force had triumphed, and a nation was forged. A nation forged in the mud and blood of Vimy Ridge, one of Germany's most formidable strongholds in Europe, and the gateway to the mines and factories of occupied France that were feeding the German war machine.

The quick victory, and quick it was by the war standards of the day, exacted a high price. Canadian casualties numbered 10,602, of whom there were 3,598 dead.

Of the 70 Canadian soldiers who were awarded the Victoria Cross in the First World War, four were given for valour at Vimy Ridge, a strategic escarpment that was a vital point in the German defence systems, which ran clear to the coast of the English Channel.

Honourable senators, the story of Vimy Ridge is a hallowed reminder of the 66,665 Canadians who perished in that ugly and terrible war to end all wars, either in battle or as a result of their wounds.

The so-called Great War, alas, was not the end. Other wars followed and thousands upon thousands of more Canadian sons and daughters perished. Yet, Vimy stands out in our consciousness for what it symbolizes, the flowering of a nation — not to glorify war, but to remind us of the sacrifices made by our fellow countrymen and to be vigilant against the scourge of tyranny that casts darkness upon the soul and smothers the essence of our very own humanity.

That is why, honourable senators, that I stand before you today as a proud and privileged Canadian to sponsor and lend my unequivocal support to Bill C-227. By supporting this bill, you too will enshrine in law a national day of remembrance of the battle of Vimy Ridge, a moment etched in time when valiant colonial troops went and fought as one and came into their own as Canadians.

It pleases me enormously to note that the origins of this bill flow from my own native northern Ontario. It began as a millennium project by Robert E. Manuel of Elliott Lake and quickly found enthusiasm across a broad spectrum of Canada, from the National Council of Veteran Associations in Canada, the Royal Canadian Legion to politicians of all stripes.

The Hon. the Speaker: I am sorry to interrupt, but I am having difficulty hearing Senator Poulin's remarks. I would ask honourable senators to carry on conversations outside of the chamber.

Senator Poulin: Honourable senators, young Canadian have also been imbued with the spirit of the bill which was steered through the other place by my good friend Brent St. Denis, the Member for Algoma-Manitoulin, and received unanimous approval.

I should like to take a moment to read the conclusion of a captivating essay by a Grade 11 student from Lockerby Composite School in Sudbury. After a concise account of the events of the battle, Joel Ralph, who was 17 when he wrote this in 1999, summed it up by saying:

....(T)he attack proved the Canadians to be the best army in the world, and they accordingly would form the iron tip of the spearhead that would end the war in 1918. ...The troops came from Nova Scotia to Montreal, Ottawa to Winnipeg, Regina to Vancouver, even the North West and everywhere else in between...That morning when they set out to seize Vimy Ridge they were Commonwealth soldiers, but when they reached the summit they were Canadians.

By passing this bill, honourable senators, there will be a day of remembrance when the flag on the Peace Tower flies at half-mast every April 9. It will be a reminder to generations of Canadians

yet to be born and of generations yet to come to our shores as immigrants of the values we uphold in this land of freedom and opportunity.

It will be a reminder of our heritage, a heritage forged on the battlefields of Europe nearly nine decades ago, and of the principles that have been reinforced by our commitments to other conflicts to deny wretched tyrants and to promote peace around the world.

The values that Canadians have suffered and died for on land, at sea, and in the air are fragile commodities. Too often we see erosion of the symbols that remind us who we are and where we come from.

Passage of Bill C-227 will initiate an annual reminder of the 619,000 men and women who fought in the Canadian Expeditionary Force of the First World War — of the more than one in ten who never came home to the country they helped create — and of the several thousand others in the Navy, the Merchant Navy, the Newfoundland Forces and the fledgling Royal Flying Corps who also perished in this gruesome conflict. They will learn of the formidable odds the Canadians faced, pitted against the German might which had repeatedly repelled the British and the French. The French, alone, lost 150,000 soldiers trying to take Vimy. The British losses pushed the figure over 200,000.

They will learn, too, that the Canadians did not cower at Vimy Ridge even though they had lost 24,000, killed or wounded, at the Somme the previous year and, in the months leading up to the all-out assault on Vimy, the Canadian Corps had suffered 9,953 casualties in the same sector.

Canadians, as the British Prime Minister Lloyd George said, distinguished themselves at the Somme as hard-hitting shock troops. He said:

...for the remainder of the war they were brought along to head the assault in one great battle after another. Whenever the Germans found the Canadian Corps coming into the line they prepared for the worst.

[Translation]

Honourable senators, the battles at Vimy Ridge were a turning point in the war. There are two main reasons for this: the ingenious planning and the unsurpassable bravery of our Canadian soldiers.

I mention these two reasons because they highlight the maturity that Canada had already reached as a country. Warfare at the beginning of the 20th century was based on attrition.

For years, the allied forces and the Germans waged a war that went on and on. The allied forces attacked the German barricades relentlessly. They were decimated by artillery rounds, automatic weapons and even by bayonets in man-to-man combat. Basically, the side that survived, won.

At the express request of Sir Sam Hughes, Canada's Minister of Militia and Defence, the four divisions that made up the Canadian Corps were regrouped at Vimy instead of being distributed among British troops. Meanwhile, the Canadian commanders had learned terrible lessons from the unfortunate battles that had been fought earlier and that demonstrated the vulnerability of infantry launching frontal attacks against fortified trenches.

• (1510)

The Battle of Vimy Ridge was thoroughly planned to keep losses to a minimum. A network of underground tunnels was dug out to protect troops from shelling and enable them to launch attacks.

The troops, including the wounded, could get away from the line of fire. Ammunition and supplies could be stored. Electrical and telephone lines provided modern and flexible means of communication.

For each soldier to become perfectly familiar with the locations and the routes to reach their objectives after an assault on a seven-kilometre front, a replica of the Vimy battle area was laid out behind Canadian lines to prepare the attack.

Canadians adopted new methods of warfare, for instance, using machine-guns as a weapon of light artillery instead of big rifles. The machine-gunners were shooting over the heads of their comrades involved in the attack and could stand in for regular artillery.

The thorough planning was carried out under the command of Sir Julian Byng and his right-hand man, Major General Arthur Currie, who was later knighted on the battlefield by King Georges V. They were driven by devotion to duty and the determination to succeed where others has failed.

Canadians have shown what they could accomplish together. This is a lesson that we have applied repeatedly. It is a lesson that we must not forget: power in unity.

Honourable senators, we recently attended a moving ceremony, as the Unknown Soldier was buried in front of the National War Memorial, just down the street from the Parliament Buildings.

The remains of the Unknown Soldier, who is known only to God, were repatriated following exhumation from one of the cemeteries on the battlefield at Vimy.

How fitting it is that we should designate a national day to commemorate victory in this decisive battle of World War I! This victory, on the morning of April 9, 1917, contributed to the liberation of Europe and, albeit involuntarily, to the birth of an independent nation.

The courage of Canadian soldiers earned us a seat at the table of the Imperial War Conference and we were one of the signatories of the Treaty of Versailles.

This is the least we can do for our comrades at arms who fought at Vimy Ridge, and for the women and men who are serving in our Armed Forces today, in times of peace and in times of war.

The Hon. the Speaker: Would Senator Poulin accept a question?

Senator Poulin: Yes.

Hon. Marcel Prud'homme: Honourable senators, I must begin by thanking Senator Poulin for her very moving speech. It is also very difficult to raise this question, which has been in my mind for a long time.

As senators know, I have a real problem with all these national days of remembrance. I have already said, in connection with other bills, that we have to be very cautious about days of remembrance. When the flag is lowered to half mast, the event takes on a timeless quality.

We have, right here in this chamber, paintings of scenes from the Battle of Vimy Ridge, not Vichy, as the Minister of National Defence once said. On November 11, we celebrate Remembrance Day in honour of the 600,000 Canadian war veterans.

I am in a bit of an awkward position. I subscribe fully to what the honourable senator said. However, I disagree with designating a new day of remembrance.

I have been in Parliament for 40 years. I take part in all the days of remembrance connected with all tragedies with military overtones. The Armenians keep reminding us of what the Turks did, the Greeks of what the Italians did, and so on. Everybody's victories are celebrated. I wonder if our choice of November 11 does not already symbolize exactly what we want. If we start diluting the remembrance of this huge war effort of 1914-18, would we not end up with the impression that there are so many different events that they end up being meaningless?

I have not reached a decision on this bill, but I wonder if I might have some help in thinking this through. I am in a bit of a dilemma because of the position I have taken on this and the speeches I have given in the House of Commons on equally meritorious proposals. This one may well have more merit than those I have addressed in the past.

Senator Poulin: Honourables senators, I would first like to congratulate Senator Prud'homme. He is known and admired for his observance of days of remembrance. He is asking a very good question to the effect that the more our country commits to international peace, the more, over the years, we will be able to contribute at critical moments. Perhaps there will not be enough days on which to remember all the events that shaped the Canada of today and will shape the Canada of tomorrow.

What struck me in my research on the day of remembrance of April 9 was that this day is important not only for its military significance, but also its national and cultural significance. That is why this day will be especially meaningful from one end of the country to another. That is why this day would pay special tribute to the Canadians who fought at Vimy.

Senator Prud'homme: I discussed this with the countries involved. Certain Germans believe that they could have a day of remembrance for the terrible destruction of Dresden. One side strikes and the other says it will too. War is never pretty, as we shall soon see. I thank the Honourable Senator Poulin. I will talk about this at the appropriate time.

Hon. Jean-Robert Gauthier: Honourables senators, I would like to thank Senator Poulin for her speech, as well as Senator Prud'homme. I am somewhat familiar with this subject.

I grew up with a man named Louis-Philippe Gauthier, my grandfather. He brought me here when I was nine years old. He explained the paintings to me. Do you know why?

• (1520)

He was a doctor in 1911 and the member for Gaspé until 1917. He enrolled in 1915 and went to war. He fought at Vimy. He never said much about what he went through over there but, at times, he would tell me stories. With the help of these paintings, he told me almost everything he remembered.

He was injured and treated in London. He came back to Canada in 1919. He could no longer practice medicine. He had no military pension, and it was not easy to raise seven children and two grandchildren, namely my sister and me.

For me, Vimy is an emotional subject. I could talk about it for hours.

I simply wanted to say that my grandfather was a French Canadian who enrolled in 1915 to defend his country against the military aggression in Europe.

Lately, I have been receiving many letters relating to the issue of bilingualism in federal institutions. Some pointed out that French Canadians were cowards who never went to war.

This upsets me because I lived for several years with my grandfather, who did go to war, and he was not the only one. Many French and English Canadians fought for freedom.

My grandfather's friends would come by in the evening. They would take out their pipe and soon there was a cloud of blue smoke. I had asthma attacks because of that.

My grandfather ended his career in Ottawa. On Chapel Street, in Sandy Hill, he opened a hospital which was called Vimy Hospital. I have his book and the various details of his daily activities as a doctor in Ottawa. In 1932-33, he became a Clerk of the Senate and remained in that position until his death, in 1944.

I thank the Honourable Senator Poulin for her comments. Vimy is a historical moment and I support the motion to have a day of remembrance for the Canadians who were there to defend democracy as we know it. We are very grateful to them.

Senator Prud'homme: I move adjournment of the debate.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, without wanting to rush things, I thought the opposition wanted to move adjournment for Senator Meighen, so that they could present their point of view.

On motion of Senator Robichaud, for Senator Meighen, debate adjourned.

[English]

LEGACY OF WASTE DURING CHRÉTIEN-MARTIN YEARS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator LeBreton calling the attention of the Senate to the legacy of waste during the Martin-Chrétien years.—(Honourable Senator Bryden).

Hon. Gerald J. Comeau: Honourable senators, I rise today to speak to the inquiry launched by Senator LeBreton into the legacy of waste in the Martin-Chrétien years.

Honourable senators have heard in speeches about the long history of the Sea King replacement program and the costs associated with the new Maritime helicopter fleet procurement process. What Canadians may not be aware of is how the current process has been manipulated to exclude competitors from a fair and open procurement process to purchase a modern maritime helicopter.

Up to August 2001, there were seven years of failure and risk as the Chrétien government stalled the Sea King replacement program so that our navy, their aircrews and their families would not see the helicopter.

Today we learned again of the consequences of this government's political manipulation of this file as a Sea King crashed on the deck of the HMCS *Iroquois*, which was on its way to the Persian Gulf to become the command ship in that area. What an embarrassment. This government does not even realize the shame that this throws on our country.

In regard to the procurement process, the government's announcement in August 2001 initiated the Maritime Helicopter Project. Since that time, the process has been fraught with pitfalls and trapdoors to steer the contract away from the Cormorant EH-101, which Prime Minister Chrétien so hates. When the competition to replace the Sea King was announced in 2001, the procurement process called for a split contract, a contract for the basic vehicle and its support, and a contract for the mission systems and their support with a total value of \$2.9 billion.

The government capped the value of the 28 basic vehicles at \$925 million and based their selection criteria for the winner on the lowest price compliant criteria. This had two immediate effects. First, it meant that no matter what aircraft competed, even one of marginal capability, as long as it met the minimum requirement and it was the cheapest helicopter, it would be selected as the Sea King replacement. This would happen even if another aircraft was far more capable but more expensive.

This approach eliminated professional military judgment from the competition and meant that if an operationally marginal competitor was one dollar cheaper than a helicopter with far greater capability, then the cheap helicopter would win out. This process violates Treasury Board guidelines 9.1.1 and 9.1.2 and smacks of the gun registry fiasco.

Second, due to the lowest price compliant guidelines, the competition virtually eliminated the off-the-shelf Cormorant EH-101 before the competition had even started. The EH-101 has one more engine, is larger and more robust than the other competitors and, therefore, more expensive. As we have seen recently, the EH-101 is a very capable helicopter.

In addition, the letter of interest rules at first eliminated Sikorsky's new H-92 from competing for the contract. The competition guidelines stated that the competing helicopters must be certified prior to the basic mission vehicle portion of the contract being awarded in the summer of 2001. The competition was to be for an off-the-shelf helicopter, not a development aircraft. At the time, it was well-known in government circles that the H-92 would not be certified before the summer of 2002. Therefore, the H-92 would have been eliminated from the competition before it even started. It has been suggested that this occurred because the Chrétien government had already picked an aircraft to replace the Sea King: the French-owned Eurocopter Cougar, in return for French neutrality around the time of the government's controversial Clarity Bill.

The only group not disadvantaged by the competition as it was originally structured was the Eurocopter Cougar MK-2. It was and still is the cheapest aircraft and is based on 1970s technology and design. Indeed, the Cougar was excluded from a four-nation Scandinavian maritime helicopter competition in the challenging North Sea and Arctic Ocean environment, similar operationally to our cold, hazardous North Atlantic. It is not a proven naval helicopter, but it is the cheapest.

• (1530)

Canada had passed on the offer of the Eurocopter Cougar twice before to replace the Sea King under Prime Minister Brian Mulroney and then the Labrador search and rescue helicopter under Prime Minister Chrétien, so it has never been the helicopter of choice.

The only problem for Eurocopter and its Cougar MK II was the strict standards put into place by the Maritime Helicopter Project Office as set out in the Statement of Operational Requirements. Eurocopter pushed for several months in 2001 and 2002 to lower the Statement of Operational Requirements, and when the Department of National Defence dug in its heels in refusal, the French announced their withdrawal, but they also baited a trap for the government. The bait was the NH-90.

With the withdrawal of the Cougar, the French offered the NH-90, a new, highly capable naval helicopter, but like the Cougar, the NH-90 did not meet the Canadian requirements either and could not compete. Leveraging the threat to pull out of

the competition entirely, the French put pressure on Canada to roll back the requirements even further.

Although a modern naval helicopter, the NH-90 is actually smaller in size than the Cougar, and the naval variant is not even in production. It would, however, be cheaper than the competitors. However, there was another problem for the government to solve. For the NH-90 to compete, the government needed to change the procurement methodology and re-bundle the competition into one solicitation or contract. The NH-90 was built as a fully integrated weapon system, making it risky and expensive to separate the vehicle from its customized mission interior.

Lo and behold, last December, after two and one-half years of fighting with manufacturers and denying there was a problem to the opposition during Question Period, the Chrétien government announced a sweeping change to the Maritime Helicopter Project.

Defence Minister John McCallum proudly announced that henceforth the maritime helicopter procurement process would be re-bundled and moved forward with one prime contractor and one contract to replace all 28 Sea Kings.

The last obstacle for the French NH-90 had been removed, and to add to the charade, the requirement specifications had been made so low that the French may actually be considering the re-entry of their Cougar MK II into the competition. Many of the changes that have been made and that are continuing to be made to the operational specifications are associated not with making the maritime helicopter more capable but with allowing a smaller, cheaper helicopter to enter the competition and win.

Therefore, while the Statement of Operational Requirements that has been theoretically set in stone by the Canadian Forces has not changed, the Chrétien Liberals have carefully shaved the operational specifications downward to allow Eurocopter NH-90 and potentially the Cougar MK II to compete in the process — a competition that they are virtually guaranteed to win because they are the cheapest aircraft in a lowest-priced-sticker competition.

The charade that has become the Maritime Helicopter Project moves on and on without apparent end in sight, but with an apparent end-game in the Liberal mind. The game is to do anything possible to ensure that the EH-101, and the H-92 are excluded from winning the competition to replace the Sea King, and then buy a Eurocopter product, regardless of what it does to the taxpayer and to the members of the Canadian Forces who will have to fly the aircraft for the next 40 years.

Honourable senators, the waste and mismanagement associated with the procurement of helicopters is an ongoing and truly extraordinary story, one which may well be the jewel in the crown of the legacy of waste of the Martin-Chrétien government.

On motion of Senator Robichaud, for Senator Bryden, debate adjourned.

UNITED NATIONS

POSSIBLE WAR WITH IRAQ—PLAN TO
BRIDGE DIFFERENCES AMONG MEMBERS OF
SECURITY COUNCIL—DOCUMENT TABLED

Leave having been given to revert to Tabling of Documents:

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, when I returned to my office this afternoon, I learned that the non-paper, “Ideas on Bridging the Divide” was tabled in the House of Commons at about three o’clock this afternoon. I want this chamber to have full access to the same documentation. I would, therefore, table the non-paper, “Ideas on Bridging the Divide.”

Hon. Shirley Maheu (The Hon. the Acting Speaker): The tabling of this document disposes of the point of order raised earlier by Senator Roche. Therefore there is no need for a Speaker’s ruling on the issue.

Senator Lynch-Staunton: Senator Roche is not here. That is quite unfair.

TRANSPORT AND COMMUNICATIONS

MOTION TO AUTHORIZE COMMITTEE TO STUDY
MEDIA INDUSTRIES—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Gauthier:

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on the current state of Canadian media industries; emerging trends and developments in these industries; the media’s role, rights, and responsibilities in Canadian society; and current and appropriate future policies relating thereto; and

That the Committee submit its final report to the Senate no later than Wednesday, March 31, 2004.—(*Honourable Senator Stratton*).

Hon. Terry Stratton: Honourable senators, my intention is to speak to this issue immediately upon our return. Before we proceed, we want to ensure that our side is in agreement with certain aspects of this motion. .

Order stands.

AGRICULTURE AND FORESTRY

FINDINGS IN REPORT ENTITLED “CANADIAN
FARMERS AT RISK”—INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Oliver calling the attention of the Senate to the findings contained in the report of the Standing Senate Committee on Agriculture and Forestry entitled *Canadian Farmers at Risk*, tabled in the Senate on June 13, 2002,

during the First Session of the Thirty-seventh Parliament.—(*Honourable Senator Gustafson*).

Hon. Terry Stratton: I rise today on behalf of Senator Gustafson. He does wish to speak to this inquiry but believes that it will be more appropriate to do so upon his return from travelling out West with the Standing Senate Committee on Agriculture and Forestry on its study of global warming. With the approval of this chamber, I would ask that we rewind the clock until his return.

The Hon. the Speaker: Is it agreed, honourable senators, that Order No. 6 on Inquiries go to Day 1, as requested by Senator Stratton?

Hon. Senators: Agreed.

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I would not want us to create a precedent. Since the Honourable Senator Stratton delivered a rather short speech, the clock is reset at zero rather than requiring that we give our consent for it to be brought back to zero. Do you understand what I am trying to say?

[*English*]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): As all honourable senators know, any senator can participate in a debate. In fact, I was hoping that we would have a rather fulsome debate on the matter in question.

I found interesting the observations of the Honourable Senator Stratton on the substance of the inquiry, and I look forward to hearing further from him.

• (1540)

The Hon. the Speaker: It is moved by the Honourable Senator Stratton, seconded by the Honourable Senator Meighen, that further debate be adjourned to the next sitting of the Senate, when he will speak for the balance of his time. Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[*Translation*]

PARLIAMENTARY DELEGATION TO
KINGDOM OF MOROCCO

INQUIRY

Hon. Gérald-A. Beaudoin rose pursuant to notice of February 25, 2003:

That he will call the attention of the Senate to the visit of the parliamentary delegation from the Senate and the House of Commons to the Kingdom of Morocco at the invitation of the King, from January 19 to 26, 2003, in order to discuss trade issues, equality rights and other matters.

He said: Honourable senators, the Canadian delegation, comprised of seventeen parliamentarians including five senators and twelve members representing four parties from the Parliament of Canada and led by Bernard Patry, Chair of the House of Commons' Standing Committee on Foreign Affairs and International Trade, spent a week in Morocco at the invitation of King Mohammed VI.

The reception in Rabat, Casablanca, Laâyoune and Agadir was very warm.

A program had been developed by the Canadian parliamentarians, primarily Bernard Patry and Yvon Charbonneau, and by the Moroccan association. This program was packed, interesting and very instructive.

The Moroccan civil society, under Abderrahman Mekkaoui, went out of its way to meet our expectations. I have seldom seen such dedication.

The Moroccan Ambassador to Canada accompanied us all week long. Our Ambassador to Morocco, His Excellency Yves Gagnon, made himself very available and hosted a reception at the Canadian Embassy in Rabat.

It certainly was a week during which we were able to cover a great many topics, such as gender equality, the Charter of Rights and Freedoms, free trade between Morocco and Canada, among others, and to meet with many volunteer associations, good friends of Canada. In our discussions on free trade, the Moroccans talked about their free trade agreement with the United States. Why not have one with Canada?

The highlight of the visit came when we met with His Majesty on the Friday, in the middle of the afternoon. The King granted us a 45-minute audience, which is unusual for a delegation with no ministers. Yvon Charbonneau, a member of the House of Commons of Canada, was of great assistance in arranging this.

The Sahara issue was brought to our attention, and immediately caught my attention. There is a legal aspect and one of international public law involved in this issue, which, moreover, is set in a historical and highly political context. There does not appear to be any legal basis for the detaining of a large number of servicemen for more than 25 years; Chairman Bernard Patry and many other parliamentarians pointed out this fact. Therefore, it came as no surprise to us to learn that many personalities around the world had strongly condemned their detention.

I think that, if it has not already been done, this case must be brought to the attention of the International Lawyers Association, Canadian section, which I once chaired. I will hasten to do so, now that I am back. Especially since Madam Justice Claire L'Heureux-Dubé, a former Justice of the Supreme Court of Canada, once was the international association's chairman.

This conflict is between Morocco and Algeria must be resolved in accordance with the principles of public international law. Canada officially informed us that His Excellency Yves M. Gagnon, our Ambassador to Morocco, has remained neutral in this conflict.

We discussed rights and freedoms, and the equality of men and women.

Canada may be the country where this equality is the most clearly enshrined in the Constitution, as a result of an amendment made when it was patriated in 1982.

Some countries have adopted legislation on this matter. However, once equality is legislated, it takes time for changes to be seen in everyday life, depending on the country, due to delays or the difficulty of implementation. Although the 20th century was called the most violent century of all by British philosopher Issiah Berlin, it also produced the Universal Declaration of Human Rights in 1948. Equal rights for men and women was a significant milestone of the 20th century. It compensates somewhat for the violence during that century.

We heard several women, who appeared before us and who pleaded their cause successfully and skilfully. We also heard the Chair of the Human Rights Commission speak on this issue; it was very enlightening.

Even in the most advanced countries, equality takes times. In Canada, enforcement of equality, as set out in the 1982 Charter of Rights and Freedoms, was to begin only three years after the charter's adoption, in 1985. It took time.

In closing, a word on how beautiful this country is. I have always felt that the sea and the desert represent infinity. So I was quite impressed with the unending dunes of desert sand that wind up on the long beaches of the Atlantic, where waves subside under an immense blue sky. It was breathtaking. If only I could write like François René de Châteaubriand to do justice to this land where the earth, the sea and the desert meet.

Hon. Marcel Prud'homme: I thank the honourable senator for describing this meeting between representatives of Canada and Morocco. For the record, the official name of the association joining our two countries is the Association Canada-Maroc, or Canada-Morocco Association.

You will no doubt recall that the former Speaker of the Senate, Senator Molgat, organized a series of visits called "Speaker's visits."

• (1550)

I had the honour of being chosen to be part of the delegation to Algeria and Morocco, along with Senators Poulin, De Bané and Bolduc.

When we met with His Majesty, the King indicated a desire to have such an exchange of parliamentarians. There was no such thing. Senator Molgat, just by looking at me, indicated that there would be a Canada-Morocco parliamentary group as soon as we got back.

I will take time for a little aside to announce that I will shortly be giving a long speech on parliamentary associations. I far prefer that term to friendship groups. This makes it possible for senators and MPs to be members of all the associations without necessarily having a particular friendship for one country or another.

So, as I was saying, as soon as we got back, at the request of Senator Molgat again, I got busy looking for the required number of people. If anyone wants to create a political association, there is one thing that must be kept in mind. Before deciding on A, B or C, the framework has to be in place. We need to keep in mind that there are two Chambers, the Senate, which must be protected, and the other place. There needs to be regional balance, and this is something whips tend to forget.

It must be remembered that the days of machismo are over. There are almost 100 women parliamentarians between both Houses; there needs to be a good representation of men and women, whenever possible.

Therefore, I invited Bernard Patry to join me as founding co-chair, and I am very pleased to name those from the Senate who are part of the board of the Canada-Morocco Association. I did not want to do it, but Senator Beaudoin encouraged me to do so. I thank him for his intervention. I was unable to join the delegation for health reasons, and I am very sorry.

Allow me to introduce the members of the board. The Speaker of the Senate is the honorary co-chair with Peter Andrew Stewart Miliken, while Honourable Senators Finnerty and Cordy are the manager and the vice president, along with the Honourable Senator Bolduc. The Honourable Senator Comeau agreed to accept the thankless task of treasurer. Honourable senators, we still have not used one cent of all the contributions that the members and senators have made to this association.

In the other place, there is Mr. Bélair, Mr. Lee, Mr. Stoffer of the NPD, Ms. Phinney, Mr. Jaffer, Ms. Lalonde and Ms. Parrish. You can see that there is a balance between regions, men and women, and political parties.

It is this association that I had the honour of creating at the request of the Honourable the Speaker of the Senate, upon his return from his official visit. I did the same thing for Speaker Molgat with the Canada-Russia Parliamentary Association, and

with other ones such as the Canada-Argentine Parliamentary Association and the Canada-Brazil Parliamentary Association.

Speakers make commitments during their trips, but when they come back home, that is here in Parliament, someone must follow up on these commitments. I always offer my services to those who ask me to do something useful.

Some senators who are here were part of that delegation, including Senator Comeau and Senator Cordy. They came back with an extraordinary sense of what we had discovered. Honourable senators, this demonstrates the importance of all these exchanges and meetings among parliamentarians, in our new and complex world.

I will coin a new phrase. I call this the "new parliamentary diplomacy," as opposed to the diplomacy of heads of state and ministers. The role that parliamentarians can play was clearly shown by the informative speech that Senator Beaudoin just delivered.

The Hon. the Speaker: Honourable senators, if no other senator wishes to speak, the inquiry is deemed debated.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, March 18, 2003, at 2 p.m.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, March 18, 2003, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
 (2nd Session, 37th Parliament)
 Thursday, February 27, 2003

GOVERNMENT BILLS
(SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to implement an agreement, conventions and protocols, concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties.	02/10/02	02/10/23	Banking, Trade and Commerce	02/10/24	0	02/10/30	02/12/12	24/02
S-13	An Act to amend the Statistics Act	03/02/05	03/02/11	Social Affairs, Science and Technology					

GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-3	An Act to amend the Canada Pension Plan and the Canada Pension Plan Investment Board Act	03/02/26							
C-4	An Act to amend the Nuclear Safety and Control Act	02/12/10	02/12/12	Energy, the Environment and Natural Resources	03/02/06	0	03/02/12	03/02/13	1/03
C-5	An Act respecting the protection of wildlife species at risk in Canada	02/10/10	02/10/22	Energy, the Environment and Natural Resources	02/12/04	0	02/12/12	02/12/12	29/02
C-8	An Act to protect human health and safety and the environment by regulating products used for the control of pests	02/10/10	02/10/23	Social Affairs, Science and Technology	02/12/10	0	02/12/12	02/12/12	28/02
C-10	An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act	02/10/10	02/11/20	Legal and Constitutional Affairs	02/11/28	divided			
C-10A	An Act to amend the Criminal Code (firearms) and the Firearms Act	–	–	Legal and Constitutional Affairs	02/11/28	0	02/12/03		
C-10B	An Act to amend the Criminal Code (cruelty to animals)	–	–	Legal and Constitutional Affairs					
C-11	An Act to amend the Copyright Act	02/10/10	02/10/30	Social Affairs, Science and Technology	02/12/05	0	02/12/09	02/12/12	26/02

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-12	An Act to promote physical activity and sport	02/10/10	02/10/23	Social Affairs, Science and Technology	02/11/21	0 + 1 at 3 rd 02/12/04 2 at 3 rd 03/02/04	03/02/04		
C-14	An Act providing for controls on the export, import or transit across Canada of rough diamonds and for a certification scheme for their export in order to meet Canada's obligations under the Kimberley Process	02/11/19	02/11/26	Energy, the Environment and Natural Resources	02/12/04	0	02/12/05	02/12/12	25/02
C-21	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003	02/12/05	02/12/10	-	-	-	02/12/11	02/12/12	27/02

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-227	An Act respecting a national day of remembrance of the Battle of Vimy Ridge	03/02/25							
C-300	An Act to change the names of certain electoral districts	02/11/19							

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-3	An Act to amend the National Anthem Act to include all Canadians (Sen. Poy)	02/10/02							
S-4	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	02/10/02							
S-5	An Act respecting a National Acadian Day (Sen. Comeau)	02/10/02	02/10/08	Legal and Constitutional Affairs					
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	02/10/03							
S-7	An Act to protect heritage lighthouses (Sen. Forrestall)	02/10/08	03/02/25	Social Affairs, Science and Technology					
S-8	An Act to amend the Broadcasting Act (Sen. Kinsella)	02/10/09	02/10/24	Transport and Communications					
S-9	An Act to honour Louis Riel and the Metis People (Sen. Chalifoux)	02/10/23							
S-10	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	02/10/31	03/02/25	Energy, the Environment and Natural Resources					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-11	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	02/12/10							
S-12	An Act to repeal legislation that has not been brought into force within ten years of receiving royal assent (Sen. Banks)	02/12/11	03/02/27	Legal and Constitutional Affairs					
S-14	An Act to amend the National Anthem Act to reflect the linguistic duality of Canada (Sen. Kinsella)	03/02/11							
S-15	An Act to remove certain doubts regarding the meaning of marriage (Sen. Cools)	03/02/13							

PRIVATE BILLS

[illegible]

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